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SIR JOSHUA JEBB'S
REPORTS
ON PRISONS

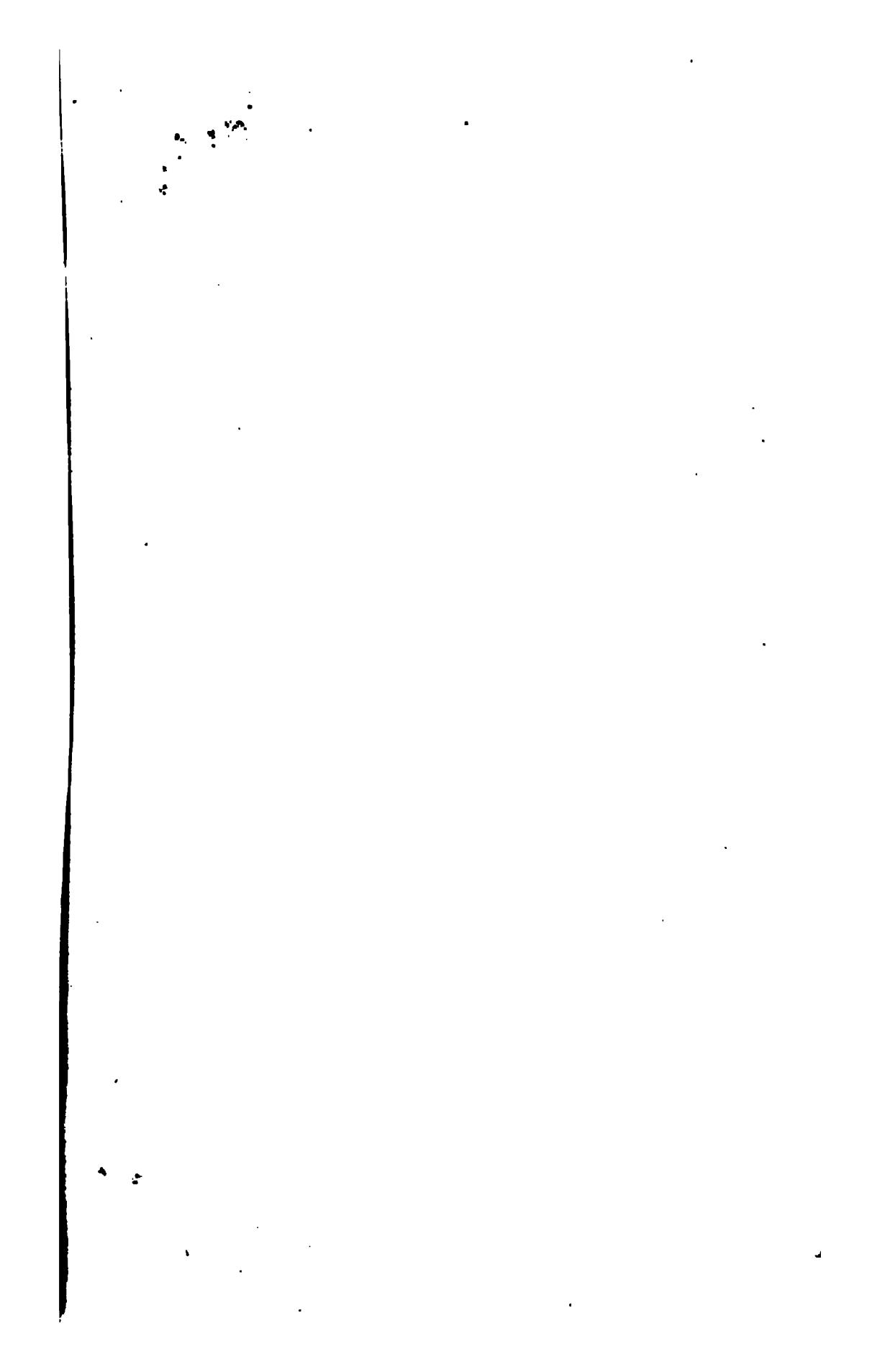


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REPORTS AND OBSERVATIONS

ON THE

DISCIPLINE AND MANAGEMENT OF CONVICT PRISONS,

BY THE LATE

**MAJOR-GENERAL SIR JOSHUA JEBB, K.C.B.,
SURVEYOR GENERAL OF PRISONS, &c., &c.**

EDITED

BY

THE EARL OF CHICHESTER.

1863.

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INTRODUCTION.

THE papers contained in this volume would have been revised and presented to the Secretary of State by the late Sir Joshua Jebb as "a Report from the Surveyor General of Prisons," but both the revision and presentation were prevented by his lamented death.

Sir George Grey, being unable to receive them as an official Report, has kindly permitted me, as the brother-in-law and intimate friend of Sir Joshua, and in compliance with the general desire of other friends, to publish the whole in the present form.

I suppose that no apology for undertaking this task will be expected by those readers who take an interest in prisons and secondary punishments, especially if, from an acquaintance with the character and official life of Sir Joshua Jebb, they are able to appreciate his great experience, and the zeal and ability with which he so successfully labored in this difficult department of civil economy.

My main object in this short introduction is to remove some misapprehensions and to state some facts connected with his past services which may help to elucidate the subjects treated by him in the following papers.

It may appear that Sir Joshua's observations on the Irish system assume a more controversial character than is consistent with the tenor of his former reports, or, perhaps, with his own official position. But it should be borne in mind that the controversy between the English and Irish systems did not originate with him. It originated in those many published articles and speeches by which the Irish system was advocated, as not only a great improvement upon the English, but as so conclusively superior in its results, that whilst the one had proved eminently successful the other was almost a complete failure.

Sir Joshua Jebb was last year officially instructed to report upon the subject, and after a personal inspection of the Irish convict establishments, it was his deliberate opinion that, whilst great credit was due to those by whom the system was administered, the results were less favorable than those of the English system. He considered moreover, that the few peculiarities, by which the former could be distinguished from the latter, were questionable in principle, and had tended to diminish the degree of success actually attained.

I have been informed since the death of my lamented relative, that the statistics upon which some of his conclusions were founded have been questioned by the Irish authorities. I do not presume to express any opinion upon this controversy, but am quite sure, that if any error of the kind alleged had been pointed out to Sir Joshua, he would at once have frankly acknowledged his mistake. I can at all events bear testimony to the care and labour with which these statistics were examined and collated by him, and to his great anxiety that the deductions from them should be both logically and honestly accurate.

I may here observe that our long intimacy, and our frequent discussions upon almost every question that had a bearing upon prison discipline or criminal jurisprudence, enable me to speak very confidently of his general views upon these interesting subjects. For some years of his official life his mind was perhaps mainly directed to the construction and practical administration of prisons, but during the later and longer period of it, I know that he devoted much thought to those principles of criminal jurisprudence which are derived from a knowledge of human nature, and of the laws which actuate the mind and conduct of man in all his social relations.

Amongst the many delusions which seem to have perverted the course of thought and writing upon our present system of prison and penal discipline, none appears to me more groundless than the notion, that we have disregarded the great end of human punishment, viz., the prevention of crime, and have been led astray by a morbid feeling of compassion for the criminal, or an exclusive desire for his reformation.

I can confidently assert that Sir Joshua Jebb held most strongly the opinion that the prevention of crime should be the main object of all penal institutions, and that the deterring element in punishment should never be sacrificed, even for the purpose of reforming the criminal.

I may add, with regard to the personal character of my late

friend, that he was, not only by profession, but in heart and soul, a thorough English soldier, and consequently that all his views of government were associated with very strict notions of discipline; and that order, subordination, and prompt obedience, were with him essential elements in every scheme or institution for the correction or improvement of bad men. He also knew well that punishment must and ought to include suffering. He had learnt, indeed, as I had also learnt, when associated with him in the government of Pentonville prison, that the separate system, as there administered, was not only most successful in the reformation of prisoners, but was also found to exert a strongly deterring influence upon the criminal classes. The happy coincidence of these two important results ought not, I think, to be very surprising.

Those who believe in God's moral government of the world will expect to find those human institutions to be most useful and beneficent which are most in accordance with the divine laws. On this principle we ought to deem it practicable to devise a system of punishment, that should inflict such an amount of suffering as to make it a terror to evil-doers, and at the same time carry on such a process of moral reformation as might ultimately restore the convict to society, a penitent and an honest man; grateful for the change wrought in him, but with a wholesome dread of again undergoing the suffering by which it had been preceded.

As a matter of mere policy, it should also be remembered, that the propagation of crime, being in a great degree attributable to the influence of old offenders, the reformation of the convict is in itself an important element in any sound theory or system for the prevention of crime.

In carrying out the separate system and, as a sequel to it, the system of penal servitude, the construction and arrangement of the Government prisons for both purposes was an object of very great importance. These buildings were all planned and erected under the immediate superintendence of Sir Joshua Jebb, as Surveyor General of Prisons, and all the county prisons which have been erected during the last 20 years, are also in accordance with his plans and models. Those who are acquainted with the inner life of a gaol can readily appreciate the importance of good construction in its bearing upon the health and discipline of prisoners.

The complete separation of one prisoner from another, the constant inspection of them by the officers, and the securing to

each cell a sufficient supply of warmth in winter and of fresh air at all times, are requirements which can only be satisfied by great care and skill in the original construction. It is, I believe, generally admitted that the prison at Pentonville, which was the first erected by Sir Joshua, is the best model as regards its complete adaptation to the above requirements. It has been adopted as the model for all prisons subsequently built in this country, and for many others on the continent.

In the following pages the reader will find some observations upon what is usually termed "the ticket-of-leave system," and as the name of Sir Joshua Jebb has been frequently associated with it, I may here state, that he was neither the author of it nor the adviser of its introduction into this country.

Whatever may be the merits or demerits of the measure, he was only responsible for some of the regulations under which it was carried out. On the more abstract question, I believe, that he was less in favour of it than I was, but neither of us wholly approved of the particular form in which it has been hitherto applied in this country.

There have been some curious mistakes as to its supposed consequences, which the remarks in the following pages will help to correct.

The evidence, taken before the Royal Commission under the presidency of Earl Grey, prove that many of the holders of these licences have relapsed into crime; but to suppose that they would have done otherwise if not released till the expiration of their sentences, is an hypothesis, not only incapable of proof, but unhappily at variance with the known results of prison discipline. The Royal Commissioners have given reasons for concluding, that the term of punishment for the graver offences has been too short, and especially that the portion of the sentence remitted on account of good conduct has been too great. Sir Joshua concurred in this view, but was extremely anxious that the practice of remitting some portion of the sentence, as *an encouragement to good conduct in prison*, should be retained. He has, however, justly observed, that the problem we have now to solve, is not the kind of punishment to which convicts should be subjected, but how they are to be disposed of after their liberation. He was always hopeful as to the future behaviour of convicts, whenever the means could be found for their obtaining an honest livelihood; and although this favorable expectation may in part be attributable to his own sanguine disposition and to his strong faith in the efficacy of moral and religious influences, he was

also resting upon a well ascertained experience, in expressing his conviction, that, subject to the above condition, a large majority of the convicts from our Government prisons would turn out well. He justly considered that no system of human punishment could be successful without the aid of those divinely appointed means for producing real repentance; and that it was wise as well as merciful to provide for convicts who profited by this treatment the opportunity, after their liberation, of obtaining an honest livelihood.

September, 1863.

CHICHESTER.

the first time in the history of the world, the
whole of the human race has been gathered
together in one place, and that is the
present meeting of the World's Fair.

It is a great privilege to be here.

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EXPERIMENTS IN CONVICT MANAGEMENT WHICH HAVE BEEN
TRIED IN IRELAND, AND REASONS WHY THEY ARE NOT APPLI-
CABLE IN ENGLAND.

45, Parliament Street,

SIR,

13th December 1862.

IN compliance with your wish that I should without further delay submit to you more in detail the reasons which have led me to conclude that it would be inexpedient to introduce into the convict management of this country either an intermediate stage of discipline or the supervision of the police, which have been the subject of experiment in Ireland, I will endeavour to lay before you such particulars as may enable you to form an opinion upon the question, but the results can only be brought into close comparison when the returns asked for in my letter of the 27th of August last, shall be furnished by the Irish Government.

Previous to entering upon the question, I would beg permission to explain that the observations I have made on the subject during the last five or six years, have consisted exclusively of statements in defence of the English system against attacks made upon it by the advocates of that which has been recommended for adoption as one of superior merit.

I pursued this course in the hope that (when the difference in the conditions was pointed out) it would have been sufficient to have prevented further pressure for changes which could not be safely adopted in England, and which could only have been pressed upon attention from a want of practical acquaintance with the circumstances.

It has now, however, become a matter of public importance that the relative merit of the English and Irish systems should be clearly ascertained.

It will, therefore, be my duty on the one hand to bring up the information contained in my own reports to the present date, and on the other to collate and analyze the reports and statistics which purport to give the results of the plans which have been adopted in Ireland. In further explanation I will also submit notes made during a visit to the convict prisons in Ireland. As already stated no very precise conclusions can at present be arrived at, but the result of such inquiries as I have been able to make sufficiently indicate that any apparent advantage in carrying out the system in Ireland has been derived, *not from an Intermediate system of discipline or Classification, or the Supervision of the police*, but from

facilities for disposal which do not exist in England, and of which, as stated in my Report for 1857, the Directors in Ireland have wisely availed themselves.

It is painful to me both on personal and official grounds to be thus forced into a collision which I have so long sought to avoid, but I shall now express more fully and strongly, but I hope with the same fairness, the opinions which I have always held, and which have been entirely confirmed by my recent investigations.

In the endeavour to carry out your instructions, I commenced a study of the Reports of the Irish Directors extending from 1854 to 1861.

The Report of the Directors for 1858 contains a brief summary of the principles on which the Irish system was proposed to be founded, the anticipations of success which were entertained, and the results which had been realized during, and up to the year 1858. It is believed that this report will give as complete an outline of the Irish system as is, perhaps, to be found in any one of the published documents.

Speaking of this system, which I will remark in passing has been shown to be identical in its principles, and in almost the entire detail, with the English system, it is observed (p. 6) :—

" It gives us in advocating it, after some years experience, strong claims to serious attention. We propose as briefly as possible to compare the anticipations contained in our former reports on the adoption of certain leading principles in our system, with the realizations afforded by subsequent experience.

The Directors then go on to say :—

Extract from
the 5th Report
on Irish
Prisons, p. 7.

" In our Annual Report for 1854, we pointed out the *inadequacy of ordinary prison machinery* to prepare convicts for their liberty, and the *utter futility* of expecting, under such circumstances, that the public would employ them on discharge. The colonies objected to receive them, and it was necessary some improvements should be introduced calculated to meet the exceptional circumstances which had arisen, that some more *reliable and natural system* should be adopted towards convicts before their liberation. In the course of 1855, a less *artificial system*, and one on which the community would be likely to place more reliance as a test of improvement, was proposed by our Board to be adopted as supplementary to the ordinary prison treatment. It was termed the "*intermediate system*," and commenced in November 1855. This system is now well known, and we are happy to state, *fully appreciated* by the *highest authorities* on this subject, both in the United Kingdom and on the Continent. It was based upon principles advocated by those who had thought long and seriously upon a subject which had hitherto been considered one of the most embarrassing and perplexing nature. '*Individualization*' was the leading principle, and to be rendered practicable by allocating convicts in small numbers on public works, under special training, before their liberation.

It is then observed :—

" In our Annual Report for 1855, we assumed that through the adoption of *individualization and special training*, *certain results would be the natural consequence*."

"These anticipations have been *fully realized*. The establishments were formed bearing these ruling principles in mind, and the results have been of the most *satisfactory description*. That the *tests of character* introduced have been fully appreciated, and *deservedly so*, by the public, is shown by the increasing number of convicts *receiving and retaining employment*.

5th Report on
Irish Prisons.
P. 9.

"The ticket of licence is not now considered to be a mere indiscriminate discharge, after short periods of imprisonment, with a character earned in an *artificial state*; but a system which protects the public in employing a convict who is *obliged to register*, and one under *which, as carried out in this country, it is scarcely possible that the holder of a ticket of licence can persist in a course of crime, and remain at large*."

"Upwards of three years have elapsed since licences were issued. The very *stringent rules for registration of convicts, adopted in this country, and the strict enforcement of the terms of the licence, are worthy of especial observation*. It is most important to note the *DIFERENCE and RESPECTIVE VALUE of PER-CENTAGES obtained under a system of registration*, and thereby *positive*, as compared with those that are *NEGATIVE*, and conclude well-doing in the absence of *RECONVICTION*. The regulations for working this system of registration are worthy of the *highest consideration*, both as being an *important element in the punishment, as well as prevention, of crime, and also in making our criminal statistics more perfect, and in more accurately testing the real value of prison systems*.

5th Report on
Irish Prisons.
P. 12.

It is then stated, in regard to the restrictions of police supervision,—

"There need be no dread of *undue police interference* with the criminals, provided proper arrangements are made. We are entitled to speak with authority on this subject, after upwards of two years' experience and close observation of police supervision in this country."

Mr. Organ, the Lecturer at Smithfield and Lusk, intermediate prisons, also observes :—

"In the former reports which I have had the honour to present to you, I have been careful to represent the reformatory system adopted in these institutions, and it would appear, from printed documents which have come under my notice during the past year, that the care bestowed in bringing before the public accurate and unquestionable facts and figures relating to our intermediate prisons, have been fully compensated for by the interest taken in the Irish reformatory system, not only in this or the sister island, but throughout continental Europe."

5th Report on
Irish Prisons.
P. 107.

It will be observed that high sounding terms are made use of in the enunciation of principles, and that claims to extraordinary success are boldly put forward; but the singular inconclusiveness both of these principles and results will be apparent on the least inquiry into *detail*. It will be found that this is forced upon attention more by the obvious omissions of necessary information than by the few facts and figures which occasionally appear.

The Directors very properly lay great stress on the respective value of per-centages obtained under a system of registration, and thereby *positive*, as compared with those which are negative, and which conclude *well-doing* in the absence of *reconviction*.

In England we have neither police supervision nor photography to aid in giving those absolutely accurate returns which it has

been an object to lay before Parliament and the public, and we are so far open to the implied worthlessness of the returns which have been prepared. A little further investigation will, however, show the comparative value of both.

STATISTICS FROM THE IRISH REPORTS.

The number and disposal of convicts in the Irish prisons for the year under consideration were as follows :—

The number of male convicts in Ireland on the 1st January 1859 was 1,285, distributed in the prisons at Mountjoy and Cork (with Forts Camden and Carlisle) Phillipstown, Smithfield, and Lusk (intermediate), under three Directors and a Local Inspector.

The separate reports of the Directors appear for each, and there are besides the separate reports of the Governors, Chaplains, Medical Officers, Lecturer, and Schoolmasters.

All the positive information respecting the number discharged and their disposal is summed up very briefly as follows :

The Directors say, p. 6 :—

" Discharged unconditionally on completion of sentence (not therefore subject to supervision)	-	-	-	-	644
Ditto on petition	-	-	-	-	13
" Released on order of licence	-	-	-	-	289
Total	-	-	-	-	<u>946</u>

As the intermediate system, the restrictions of a licence, and the supervision of the police, are professedly essential parts of the Irish system it would appear desirable to ascertain what has become of the 289 convicts referred to. We have to inquire to what extent the beneficial results of the intermediate training are exhibited in proof of its efficacy,—further, upon what proportion of this number, and of the whole body of prisoners, is the supervision of the Police brought to bear.

Nothing specific is said on either of these points by the Directors, but Mr. Organ, through whose hands at Lusk and Smithfield, 271 were discharged, gives the following account of their disposal :—

" Of the 271 discharged, 134 were released on licence, 16 discharged absolutely, and the remaining 121 were penal servitude men, who, of course, were discharged unconditionally."

He then goes on to say :—

5th Report on
Irish Prisons. " The following Table shows the number of men discharged during
p. 107. the past year, for whom *I can account* :—

" Ticket of Licence Men.

Employed at present in Dublin, and noticed in my visiting reports	-	-	-	-	13
Gone abroad	-	-	-	-	101
Total	-	-	-	-	<u>114</u>

From this it appears that of the number for whom Mr. Organ could account, no less than 101 out of 114, or 87 per cent., had gone abroad, and as 134 were discharged on licence this still leaves 20 unaccounted for. We are afterwards informed by the Superintendent of Lusk that 3 had had their licences revoked, which would be 10 per cent. on those remaining in Ireland in the first year.

Mr. Organ, however, does not hesitate to observe :—

“It is worthy of notice that there has not been one convict discharged this year on licence, for whom we cannot account ; this in itself shows the advantage of the licence system, a fact which, in my opinion, should engage the attention of all those anxious for the solution of that perplexing question, ‘What shall we do with our convicts?’”

5th Report on
Irish Prisons.
P. 108.

The question now under consideration differs, however, from this. It is “What has become of them?” and to this we have no precise answer, for it appears that of the 289 reported by the Directors as having been released on licence *from all the prisons*, we have no information excepting of the above 134. *This leaves 175 wholly unaccounted for.*

Again he observes of another class :—

“Penal Servitude Men (sentences completed), and absolutely discharged men (sentences commuted).

Employed at present in Dublin, and noticed in my visiting reports	-	-	-	-	12
Gone abroad	-	-	-	-	71
Total	-	-	-	-	<u><u>83”</u></u>

From the two foregoing statements it appears, that out of 271 men discharged from Smithfield and Lusk, only 114 licence men and 83 absolutely discharged are accounted for, leaving 74 to be inquired after. *Of the 197 who are accounted for, 172 are gone abroad, and 25 only, so far as any information appears, are under supervision and they not under the police.**

Mode of Calculating Per-centages.

It remains to be seen how the per-centages which are assumed to be so accurate in Ireland are calculated.

It is stated by Mr. Organ in the same Report :—

“Since the opening of this, as an intermediate prison in January 1856, 405 orders of licences were granted, out of which only 32 were revoked up to this date, some of whom were of a trifling character, such as not complying with the regulations, in not reporting themselves at the constabulary stations, &c., which gives a per-cent of only 7·88.”

It will be observed that this per-cent is calculated on the *whole number released*, whereas we are distinctly informed that 101 went abroad in 1858, and if anything approaching to the

* In like manner we see that 71 out of 83 had gone abroad, being a per-cent of 85·6. The per-cent on the whole number being 97.

same proportion of those gone abroad would hold good in 1856 and 1857, the per-cent-age, instead of being 7·88 would be more probably 15 or 20 per cent., if properly calculated upon those who had remained in the country.

In this, no account whatever is given of *re-convictions*, which may fairly be assumed to be very nearly equal in amount to the revocations.

For comparison with these statistics, I would refer to the returns given in my reports, of which the following is a specimen; they are for the first and last years of licences being issued:—

Year.	Number Licensed.	Number of Male Convicts who have been reconvicted or Licences revoked.								Total Revoked.	Grand Total.	Per-cent-age.								
		1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.			Revoked.	Reconvicted.							
		Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.	Revoked.	Reconvicted.			Revoked.	Reconvicted.							
Year 1854.	1,895	44	19	63	53	38	64	79	33	5	10	8	3	4	-	144	182	326	7·6	9·6
Year 1861.	1,672	-	-	-	-	-	-	-	-	-	-	-	-	-	8	58	58	66	0·4	3·4

From this Return it appears that in the year 1854 there were released 1,895 male convicts on licence, and that up to the end of 1861, 144 had forfeited their licence, and 182 had been again sentenced to penal servitude—giving a per-cent-age of 7·6 of forfeitures and 9·6 of re-convictions.

In the single year, 1861, there were released 1,672, of whom 8 forfeited their licences, and 58 were re-convicted, giving a per-cent-age of less than one-half of the former and of 3·4 of the latter.*

COMPARISON OF STATISTICS.

Persons unaccustomed to statistics have sometimes a difficulty in making comparisons, and it is even asserted that a large number of figures skilfully arranged for a particular purpose may be made to prove anything. I will, therefore, give an illustration of the effect which might be produced upon the English statistics by causes wholly unconnected with the success of convict discipline, if fluctuations in the numbers of the convicts had been the result of changes, such as those which occurred in Ireland during and after the famine period.

Let the annual average number of convicts sentenced to penal servitude in England be taken at 2,500; suppose that a social crisis had caused the number at once to rise to four times the amount (as was the case during the famine in Ireland), we should have 10,000 sentenced in one year, of whom only 2,500 would be ordinary convicts.

* The licences granted between 1853 and 1857 were to prisoners under sentence of transportation, and the unexpired terms probably averaged five or six years.

To simplify the illustration, I will assume all to have received a sentence of five years. At the expiration of the term the whole would be discharged, but it would be only in the case of the 2,500 *ordinary convicts* that relapses might be expected.

The assumed social offenders, as in the case of the poor people who committed crime during the famine, would generally go home, and not be the least likely to join the criminal class of 2,500. Of this latter class, however, it might be possible that during the five or six years immediately following discharge, some 400 or 500 would relapse into crime. This would give, say, 20 per cent.; but if the average were to be taken on the 10,000 instead of the 2,500, it would only appear as 5 per cent. on the whole. Very erroneous but very favourable conclusions would then be the result, both as regarded the relapses of the criminal class and the success of the English system.

REPORT ON IRISH PRISONS FOR 1861.

Several questions appear to require notice in the Report for 1861, the last which bears Sir W. Crofton's signature. Speaking of Individualization,—economy, &c., it is stated :—

“That the application of these principles would be attended with very beneficial results, appears to be so self-evident as to make it almost unnecessary to dwell at any length on those which have for many years attended their illustration in this country.

“But as it is our gratifying duty in this report to announce the abolition of ‘Philipstown Adult Convict Prison,’ it will be well at the same time to call your attention to other very large reductions of expenditure, which we have been enabled to make on the best possible grounds, viz., the reduction of the number of the convicts.

“At the present time Parliament is asked to vote 50,000*l.* per annum less for Irish convicts than was asked for them six years since.”

It is fully believed, all over Europe, that this great diminution in the number of convicts and the expense, is attributable to the application of the principles which appear in the same paragraph.

Mr. Burt observes on this statement, and upon the expenses of the Irish prisons generally :—

“This great reduction, however, upon the Parliamentary estimate is attributable, it is admitted, entirely to the diminution of convicts by the *expiration of sentences* passed during the period of the famine. But it has been proved that the system of convict discipline has not been the cause of that diminution, and therefore the reduction of the convict estimates cannot be placed to its credit.

“The true test of the effect which the new system has produced upon the cost of the service, is the difference which it has made in the yearly rate of outlay on each convict.

“Now, 12*l.* 13*s.* 6*d.* was the estimated gross cost of each convict in Ireland in 1853 and 1854, the year before the Directors took office; but in 1855–56, the year after they had taken office, it was 18*l.* 18*s.* 7*d.*; and in 1862–3 it had risen to 32*l.* 14*s.* 10 $\frac{3}{4}$ *d.*, which is an increase in the yearly cost of every convict of not less than 20*l.* 1*s.* 4 $\frac{1}{4}$ *d.*”

“Nor has this astonishing increase in the rate of expenditure been caused accidentally by salaries of superior officers being distributed over

a smaller number of prisoners. For, I may add, that the increase as a matter of fact has arisen mainly under the heads of salaries and allowances to subordinate officers, and of victualling of prisoners." The case for the 'Irish System' as Mr. Burt observes, breaks down, therefore, as completely upon the ground of finance, as upon the ground of a decrease of crime.

ESTIMATES AND EXPENDITURE.—PER CENTAGES, &c.

It is further observed in the Report on the Irish Prisons for 1861 :—

p. 9.

"Our prison *expenditure* is very low. According to our present *estimate* the convicts in our different establishments do not cost more than 24*l.* 10*s.* each."

* * * * *

"The present cost is very much lower than that of *any other convict establishment* of which we are aware."

As this Report is dated in March 1862, it would have been quite possible to have given the *actual cost* instead of the *estimated cost* for the preceding year, which, if Mr. Burt's figures be correct, would have added some 40 per cent. to the 24*l.* 10*s.*, and have brought up the cost in Ireland to the level of England, though it ought to be very much lower, from the lower rate of wages, &c., in Ireland.

These and other statements have had their weight with the public in unduly elevating the Irish system and unfairly lowering the parent system of England.

Again, in regard to the relapses, it is stated :—

"Since January 1854,* 6,121 convicts have been liberated in Ireland; and since the establishment of the intermediate prisons, upwards of six years ago, *only 10 per cent. of all classes of convicts liberated from the Government prisons since that time have returned to them.*"

A casual reader would connect the 10 per cent. with the 6,121 convicts, but on a careful perusal of the sentence it will be seen that the 10 per cent. refers to some figures which are not given!

Hence there exist no means of ascertaining what proportion of the 6,120 had been subjected to the Irish system at all,—how many had gone abroad, how the per-cent-age was calculated, &c. Looking to the large number, it is probable that not *one-fifth* had passed through the intermediate prisons, and probably not *one-tenth* had been placed under the supervision of the police. Had this statement been followed by the explanations necessary for forming any sound opinion as to the working and results of the system, the precise per centage *on each class* would have doubtless shown a very different result and led to very different conclusions.

Visit to Ireland.

Any one conversant with the subject will admit that the information contained in the Reports, of which the one I have quoted

* The Directors only commenced their duties in November 1854.

is a fair specimen, is indefinite and inconclusive. So strongly was this difficulty felt by me, that I determined to visit Ireland for the purpose of acquiring more accurate knowledge concerning the working and results of the experiment of an intermediate system, the extent to which police supervision was really enforced, and how far the rate of relapses was affected by emigration on discharge.

I reached Dublin on the evening of the 16th of August, and on the following day waited upon Sir Thomas Larcom, who was good enough to say that any information that was wanted should be furnished. Accompanied by Captain Whitty, I subsequently visited Mountjoy, which represents Pentonville, Spike Island, which represents Portland; Smithfield, which in principle represents the Refuge at Fulham; and Lusk, which is conducted much in the same way as the Road parties in Western Australia.

I should not do justice to my own impressions or to the officers who are engaged in the administration of the discipline in Ireland, were I to omit to state that every establishment appeared to be in the highest order; and, so far as I could observe, all the officers were devoting themselves with great zeal and intelligence to their respective duties.

The following are brief notes on my visits to the different prisons in Ireland:—

Mountjoy.

This prison is of the same construction as Pentonville; but one principle of the discipline which enabled the Commissioners of Pentonville to report a moral result which was "without parallel in the history of prison discipline," appears to have been lost sight of by Sir Walter Crofton.

It is made use of, ostensibly, with the view of rendering it more *deterrent* by the introduction of oakum-picking, &c., instead of the trades and employments which are carried on during the probationary period of separate confinement in this country.

This deviation from the views of the Commissioners of Pentonville is greatly to be deplored, and I cannot doubt its prejudicial consequences. The most valuable period of a prisoner's sentence for making progress in industrial training is lost, and the means of making a favourable impression on the mind and character of the prisoners are materially diminished. In no subsequent stage can this loss be retrieved.

The rules, with unimportant exceptions, are the same in both prisons; but in my opinion they are worked at a disadvantage at Mountjoy, from the circumstance I have named.

Barrack and Fort at Spike Island.

I found here a very large staff of officers and a strong military guard, quite sufficient to ensure the entire subjection of the convicts. A large proportion of the men were lodged in association; some of the casemates had however been fitted up with sleeping places of a temporary character. The partitions were

6 or 7 feet high, of corrugated iron, and the doors were of open wire netting; the top of the compartment being covered with the same material. They were, to all appearance, cages. Apart from the casemates there was a large iron hut, divided in the centre, containing accommodation for 200 men in the two rooms. When occupied the men would sleep on the floor, side by side, 50 in a row. I could not avoid saying that, were I responsible for such an arrangement, it should not continue for a single day, and that the *forçats* at Toulon were more judiciously lodged. How *individualization*, or any kind of moral discipline, can be carried out with men herded together in such a crowd, I cannot understand.

But this is not my opinion alone. The Directors of the Irish Prisons, in a former report, say, "The general state of this prison, " in which the convicts are all associated in rooms, formerly used "as barracks, is as satisfactory as can be expected under such unfavourable circumstances;" and further on, they say that with a view of in some degree remedying the acknowledged evils of having convicts in a state of association at night, and when not employed at labour, an attempt was to be made to divide the rooms.

This being the recorded opinion of the Directors, an opinion the soundness of which is fully confirmed by the experience of Portland, it was, I confess, with surprise and regret that I found so large a proportion of the prisoners lodged in open wards, and so many of them sleeping together in close contact on the floor.

Though the Portland rules are in force at Spike Island, it is impossible, under such great disadvantages in the accommodation, that the best exertions of the officers can be applied with equal effect; the greater, therefore, is the credit due to all the officers concerned for whatever good is secured during this stage of discipline.

The schools appeared to be admirably arranged, and more time is given to instruction than is considered expedient in the Public Works Prisons in England.

In addition to the two half days schooling received by one portion of the convicts and the three half days received by another, out of the working hours, it appears that some additional instruction is imparted to the prisoners in the wards and sleeping places during the evening, which, as a general rule, is not attempted in our prisons.

The instruction, as described in one of the reports of Mr. Harold, the Head Schoolmaster, consists in "short conversational lectures," and Mr. Carter, the Assistant Schoolmaster, says in the Report for 1859, page 46, "I have continued to visit and instruct the prisoners in their wards and cells every evening after lock up," and he incidentally testifies to the great advantages of separation in further stating:—

"In the ward cells I find that, with few exceptions, the men, in all cases wherein self improvement is practicable, are in the habit of earnestly applying themselves to reading of some useful description, or the study of arithmetic—a disposition not at all so general among the

inmates of the wards. In my visits to the latter I find, too often among the prisoners, the effect of association appearing to destroy the industrious habits for which they were, I might say, remarkable while in the cells."

This practice, which is very good in itself, does not bear out the very general impression that prevails that the principal part of the school instruction has been imparted in the Irish Convict Prisons after the working hours.

CONVICT LABOUR, SPIKE ISLAND.

The application of labour in the execution of works was represented to be on a better system than formerly, as the men were only harnessed to the return carts, instead of 16 or 18 being employed in dragging loads for long distances. No account appeared to be taken of the *quantity of work, or the value of it.*

In the Report of the Directors, dated March 1861, it is stated, page 29,

"We are glad to perceive that preparations are in progress for using tramways and railway trucks, in the removal of earthwork and other material, in the construction of the fortifications at Spike Island, instead of the hand trucks, each hauled at great disadvantage by 17 or 18 convicts."

This is followed by an abstract account, showing the *estimated* value of prisoners' labour, during the year, under the heading Royal Engineer Department, where 17 or 18 convicts have been harnessed to a truck; we find the following, p. 35.

	£ s. d.
" Carpenters and sawyers, 8 - - -	425 12 0
Smiths, 5 - - -	266 0 0
Masons and stone-cutters, 45 - - -	2,394 0 0
Labourers, 314 - - -	7,954 13 4
Painters, 1 - - -	45 12 0
<hr/>	
	£11,085 17 4"
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or about 3s. 6d. a day for 304 days for carpenters and sawyers, and 1s. 8d. a day for labourers. Now, 18 convicts harnessed to a cart, with the labour assumed to be worth 1s. 8d. a day, would be 1l. 10s., exclusive of two warders and a military guard. The same amount of haulage by horse and cart would have been executed for one-third of the sum. The labour of men so employed instead of being charged 1s. 8d. should, therefore, not have been charged more than 6d. or 7d.

It is, however, observed in a report for 1861:—"The labour of convicts has been willingly afforded, and the profit from the labour has been excessively good." It is further stated:—

"If high wages are assumed for it, the real value of such convict labour will always be disputed."

In the whole statement, *no quantities whatever are given.* The officers at Spike Island admitted to me that the wages out

of doors were affixed to the number of men employed, irrespective of quantity and prices by contract; a similar plan would add greatly to the reported value of labour at Portland. When the weight and quantities are accurately detailed, as they have appeared annually in our reports, and fair contract prices affixed, any one can judge of the real value of convict labour.

Lusk.

I visited this establishment with Captain Whitty.

There were two iron huts, one of which only appeared to be occupied. These, with several small detached buildings, the whole surrounded by a low fence, constituted the entire establishment. Everything was neat and clean. The convicts lived and dined in the iron hut in association, and slept on tressels, side by side, almost as close as they could be placed. A space was partitioned off for an officer to sleep in at one extremity of the hut, but the men were left to themselves after going to bed until the officer retired. Nothing approaching to effective superintendence appeared to be attempted. In fact, it was apparently an object to avoid it, and thus to substitute a *natural* for an *artificial* system of discipline.

Upon this, I observed in my report for 1857 :—

“ There can be no question regarding the evils of association at night, and when not at work. It is the experience of its demoralizing tendency, that has led to the condemnation of the hulks as places of confinement, even when prisoners were under a considerable degree of control. To relax the bonds of discipline, and yet to congregate men, is to create still greater obstacles in the way of reformation.”

The land was good ; the crops of oats and potatoes wonderful. Parties of convicts, in the garb of well-dressed labourers, were employed, some at the stacks, some draining, &c. The warders were dressed much in the same manner as the men, and worked with them. The chief warden was an exception ; he was in uniform, and a very intelligent foreman superintended the farming operations.

The men appeared quiet and contented ; in fact, there was nothing to make them otherwise. They enjoyed, as appeared to be intended, *liberty*, in all but the *name*. The Directors solve a part of the mystery when they say, in the report for 1861 (p. 9) :—

“ We continue to employ convicts in the intermediate stage at Lusk, in a state of *almost freedom* ; and the very fact of being enabled so to act with men, the greater majority of whom are habitual criminals, will satisfactorily illustrate their *training in the earlier stages of detention.*”

The four Visiting Justices of Wakefield confirm this illustration. They say :—

“ It was difficult to conceive that these were men of the same class as those whose scowling or knavish visages we had seen in photograph or in flesh in the first stage at Mountjoy.”

They then inquire :—

“ How then are the men who are to come to the intermediate prison trained and selected ? *It is clear that everything must depend upon this.*”

The evils however which the less credulous among the Visiting Justices apprehended as the consequences of the indiscriminate association at night of 50 old offenders are obviated in their opinion by *the previous training to which they have been subjected.*

They say:—

“That such a moral tone has been formed among the convicts in the intermediate prisons, we are assured on all hands, and its existence is the strongest proof of the power of those *moral agencies which have been brought to bear upon them before they come there.*”

I was unprepared for this statement on the part of the four Justices, because it is admitted that the moral agencies referred to are common to the established systems as administered in England and Ireland respectively, and I have shown that from circumstances of superior construction affording the means of separation at night, the moral agencies in England have a better chance of being applied to advantage.

The lecturer (Mr. Organ) comes over from Dublin twice a week to give one of his interesting lectures, and to explain the advantages of emigration. To men having no certain prospect at home excepting that of being brought under the supervision of the police, the idea of going abroad and rejoining their friends at New York must be very captivating.

As the gratuity in most cases affords the means, a large proportion, with these prospects before them, emigrate; some of them, I fear, no further than England. They are, however, *got rid of*; and this is one secret of the Irish system which it is of importance to consider in any comparison of it with the English system.

Lusk is an example of one of the probation gangs of Western Australia or Van Diemen's Land, in a well-regulated form. Except from the circumstance of the men being under sentence to the highest of our secondary punishments, no one could fail being greatly pleased with all he saw. Attached to a workhouse, such a system might have been deemed perfect.

It may be that there is an *appearance to the public* of a man having been subjected to a test calculated to prove the sincerity of the reformation effected during the two first stages; and that this may facilitate, in Ireland, their obtaining employment; but as for its affording a more *reliable test*, I cannot believe the nature of the English and Irish convicts to be so entirely distinct as that such a stage is likely to prove of advantage in promoting reformation in the individual, and it certainly can have no effect in deterring others from the commission of crime, but the reverse.

What the people who live in the wretched cottages all round the farm must think of the punishment of penal servitude administered in this form, and followed generally by emigration, it is not difficult to determine, and it will eventually tell on the criminal statistics in Ireland, or I am greatly mistaken.

If the intermediate system possessed all the advantages which are claimed for it, the absence of deterring influence on the population before whose eyes it is exhibited would, in my opinion, outweigh them all.

Smithfield Prison, Dublin.

Sir Walter Crofton, in his evidence before the Select Committee of the House of Commons, gives his opinion on this and other prisons as follows :—

“ The Government prisons in Dublin are such, from the construction of the buildings, from the circumstances of their respective localities, and from inadequacy of accommodation, as not only to preclude the carrying out of moral, religious, and industrial training, and the remunerative application of labour, but even to set aside by indiscriminate association, the elementary principles of sound discipline, which leads to the fear of the corruption of the less guilty, and cuts off all opportunities of reformation.”

In this establishment, which is a wretched old prison, in the lowest part of the city of Dublin, are chiefly assembled artificers and others, who are employed as tailors, shoemakers, &c. Here I saw Mr. Organ, and heard one of his interesting competitive examinations. Fifty men were arranged, 25 on each side of a temporary wooden hut. Various subjects were discussed, partly by Mr. Organ and the men, and partly by the prisoners questioning each other. They evinced much natural intelligence, humour, and quickness. Altogether I was much interested; but I was quite satisfied that such a mode of instruction would be unsuitable to English convicts.

Female Convicts.

A separate portion of Mountjoy prison is appropriated for the confinement of female convicts. The discipline is much the same as at Millbank and Brixton, combined in one establishment. This I consider in some respects a disadvantage, but as far as I could judge, the discipline is exceedingly well worked. The remarkable feature, however, is that a woman, instead of being discharged with a ticket-of-leave at the period when she becomes eligible for it under the terms of the notice, is discharged into the Roman Catholic Refuge at Golden Bridge, where, as a general rule, they do, or may, remain till the end of their sentence. There can be no doubt of the advantages secured to the individual woman in being placed under the kindly influence of such a Lady Superior and the Ladies who assist in her benevolent work. If, however, a remission of sentence is regarded as the strongest motive power that can be held out in the reformation and training of prisoners, there is as great a sacrifice at Mountjoy (in this respect) in the case of the females as there is a loss in moral and industrial training by oakum picking in the case of the males.

There is this anomaly also in the system considered as a whole, that the male convicts have the *double motive power* of a remission under the regulations, and the enjoyment of all but freedom at

the discretion of the Directors for nearly an equal period before discharge, whilst the females, instead of gaining a remission and with it their freedom, are placed under strong, but, I doubt not, wholesome moral discipline to the end of their term.

It cannot be doubted that a better result would follow an earlier release into the benevolent refuges of Golden Bridge and Heytesbury Street, and I took the liberty of expressing this opinion.

The former is admirably organized under the Lady Superior and Sisters. The latter is also excellent, but the numbers are too limited to develope its principles with effect. The Government allows 7s. a week for each woman after discharge on licence until the expiration of sentence, or till finally disposed of, 2s. of which is retained as gratuity.

The extra expense incurred in 12 months, on the average number detained for that period, would be 18*l.* 15*s.*

INTERMEDIATE SYSTEM.—SUPERVISION OF POLICE, EMIGRATION, &c.

The intermediate system was commenced in February 1856, on the principle proposed by Lord Palmerston for female convicts in England, as communicated in your letter of November 1853,

The supervision of the police was afterwards introduced in 1857 by the adoption of a few of the regulations of the colonial stage of the English system.

It will be necessary to confine attention to these dates, because they express the limits of any possible influence of what is termed the "Irish System."

Of the 75 per cent. who are selected from Spike Island, and come under the influence of Mr. Organ, in the intermediate prisons, a large proportion are entered in the books as "gone abroad."

In the report for 1858 it is stated that 101 out of 114, the number for whom he could account, had been so disposed of.

In his report for 1860 Mr. Organ observes, page 78:—

"Among the many subjects upon which I address the men of Smithfield and Lusk, none seem to excite their interest and attention more than those on emigration; and, as a proof of this, I may mention that *nearly one-half of the convicts discharged from these prisons during the past year have sought new fields for their honest labours in distant lands*, where their antecedents are not likely to appear against them."

He also states, page 77:—

"When addressing those prisoners who have come under my care upon what I may term social subjects, I make known to them the state of the labour market at home and abroad, and tell them in very plain but forcible language what are certain to be the consequences of their return to their former vicious habits and criminal acquaintances. I also prove to them, by facts, figures, and results, that they can no longer follow crime as a means of earning their bread, *in Ireland at all events.*"

Again, page 95 :—

“It will be remembered that now-a-days the former habitual thief argues to himself the profit and loss of crime, and weighs and considers the chances of escape, should he again pursue his former vicious course as compared with the risk of being detected even in his first attempt to plunder.”

He also states, page 81 :—

“Thieving, as a *fixed vocation*, is fast on the decrease in Ireland, and the leading members of the profession are as fast disappearing from the scenes of their criminal labours. They are not to be found, with few exceptions, in our convict gaols just now; and the few that are so located will tell you, to use their own phrase, ‘the game is dead.’”

It is manifest that when the convict reflects on the one hand that the game of crime is dead in Ireland, and that the field is occupied by the police instead of his comrade, the habitual thief, he will, as Mr. Burt says, “follow upon the scent of English gold,” or, if more ambitious, will be nothing loth to employ his 5*l.* gratuity to obtain gold if he can, and glory if he cannot, in the Northern States of America. *In this way some 30 or 40 per cent. are doubtless got rid of.*

But let it be borne in mind, that these facilities of disposal, and this altered state of things in regard to criminals, is the result of causes wholly independent of the “Irish system,” and clearly referable to the social condition of the country, and the admirable organization of a police. These causes are combined with a taste for emigration, which, from its prevalence, has for years past been designated “an exodus.” It needs not the eloquence of Mr. Organ to obtain volunteers among convicts. Let an outfit and a free passage to America be proclaimed in any market town in Ireland, and crowds would eagerly embrace the offer. Such conditions and such facilities do not exist in England, and, therefore, cannot be resorted to. There is evidence enough, however, that we in England suffer from the “game being dead in Ireland.”

The *pressure which drives criminals from Ireland, and the temptation which invites them to England*, is not without a very significant result; and it is a direct means of decreasing the number of convicts in Ireland, and of increasing them in England.

Secondly, of those that remain, a certain number are selected for release in Dublin and the neighbourhood. These are not at all under the police, but under the kind superintendence of Mr. Organ, who in this respect occupies the position of the Prisoners’ Aid Society in London, who have hundreds under their observation.

He says :—

“It being a self-imposed duty of mine approved by you to endeavour to secure employment for the men before they were permitted to leave the institution, I have devoted a considerable portion of time to the fulfilment of this task, and I have kept in view the men employed in the county and city of Dublin.”

It is stated (page 9) in the report of the Directors for 1861 :—

“ We have reason to be well satisfied with the conduct of the liberated convicts under our immediate supervision in Dublin.”

Thirdly, the next object is that of securing employment on their return home for the more respectable among the prisoners from the country.

They are not habitual thieves, rogues, or vagabonds. They have committed a crime, paid the penalty, and return home with money in their pockets, and no doubt an intention to do well.

The Directors observe, in the report for 1861, page 10 :—

“ With regard to those convicts in the rural districts, their conduct is also satisfactory ; and we feel quite justified in stating that supervision has not been detrimental to the well-conducted convicts, and has proved a very great protection to the community.”

The following are the regulations for convicts placed under the rural constabulary :—

“ *When an offer of employment for a prisoner is accepted, a notification* thereof will be made by the Directors of Government prisons to the Inspector-General of Constabulary,” &c.

“ 2. Each convict so to be employed will report himself on the 1st of each month,” &c.

I quite concur with the Directors in thinking it can be no detriment to the licence holders who have returned to their former homes in a country parish, but exactly in proportion as it has been no detriment to the convict, it has been no very great protection to the public ; and it may be questioned whether, under such circumstances, protection was required.

The course pursued was further explained to me by the Inspector-General of the rural constabulary, who mentioned that the licence holders sent to his department usually had friends or relations willing to receive and assist them in obtaining employment, that they behaved very well, reported themselves with regularity once a month during the time the licences were unexpired, and, though no direct supervision was maintained in the interim, he had no reason to believe that they went away to commit crime in other localities, or were otherwise misconducting themselves.

The Irish System One of Disposal not of Discipline.

All that I saw and heard whilst in Ireland has confirmed the opinion which I have before expressed, that the Irish system is one of *Disposal* rather than *Discipline*. In my report for 1857, I stated that,—

“ The Directors in Ireland have most wisely availed themselves of the superior advantages they possess in having limited numbers to deal with, far greater facilities for emigration, and a better feeling towards the prisoners on the part of the public.”

This will be found still to be the case, but the entire want of any detailed information in the reports of the Directors makes it

impossible to do more than guess at the results, and I fear they are not so favourable as the public, in the excitement of the moment, and under the pressure of persevering assertions of success, are willing to believe.

I have stated that the Irish system is one of *Disposal* and not of *Discipline*. I cannot better illustrate this than by giving the candid and straightforward explanations of the fact by Mr. Organ. He states, in his report for 1861, page 68,—

“During the past year 281 convicts have passed through this and the Lusk Prison huts, of whom a large number have *emigrated*; the remainder have either *returned to their former homes*, or settled down in the Dublin district under my own supervision.

“Of the number discharged throughout the year, nine have relapsed into crime, a number surprisingly few indeed, when their short sentences and antecedents are duly considered.”

This in a very few words tells the whole tale of Irish success—*Emigration—return to their former Homes and settled down* in the Dublin district “under my own supervision.”

It will be borne in mind, that it is only those that return to their *former homes*, and have employment secured to them under the regulations, that are placed under the supervision of the police at all; and when a man is known in his parish and among his neighbours to have been in trouble, the superintendence is no more a detriment than it is in Western Australia. The Directors in Ireland know this, and very wisely *do not put their discharged prisoners under the police in Dublin*, but allow one of their own officers to undertake the duty.

I would ask any impartial inquirer, having no object but that of truth to attain, would it be possible to deal with and dispose of 2,500 convicts who are released from the convict prisons in England in a similar manner?

Could voluntary emigration for “one half,” or any like proportion, be secured for discharged convicts, to what places would they consent to go,—and who would consent to receive them? or could employment be secured for so great a number of discharged prisoners in London, Manchester, Liverpool, and other large towns by a Government officer, &c., and could they be as effectually assisted and superintended as the small number on whom the energy and benevolence of Mr. Organ is bestowed?

CONCLUSION.

Many grave questions should arise in any inquiring mind on a perusal of these documents.

First, in regard to the relaxations of the intermediate system before discharge, and the restrictions of police supervision after discharge.

Secondly, as to the statistical information which has been afforded of the results of an experiment which the public and Parliament have been led to believe has been most successful in Ireland.

In regard to the first head of inquiry, it has to be shown

that the "ordinary prison machinery is inadequate in either "country to prepare convicts for liberty." In England we have abundant proof that it is not inadequate, and in Ireland, though Spike Island does not possess the same means as Portland for carrying on reformatory discipline and industrial training, and although the advantages of Mountjoy are lost in comparison of Pentonville, it is admitted that when the men reach Lusk or Smithfield *their previous training* has had a most favourable effect upon them.

It therefore appears that what is termed the more natural and less artificial system at Lusk is an addition to the ordinary prison machinery for the purpose of inducing the public of Ireland to believe that the convicts are better than experience has shown they really are. And this result has been attained at the sacrifice of the prestige of the highest of our secondary punishments—for which the greatest success, if it had been attained, would not have been an adequate compensation.

It is stated that "the anticipations have been fully realized—" "that the very stringent rules for registration of convicts in Ireland are worthy of especial observation, that these regulations "are worthy of the highest consideration." Among other reasons, as being an important element "in making our criminal statistics "more perfect, and in more accurately *testing* the real value of "prison systems."

Now all this may be very plausible, and such statements have great weight with the public, who have neither inclination nor opportunity to make inquiry; but where is the evidence of any such advantages being secured? where are the statistics which would afford the means of comparison, or support the reiterated assertions of success?

There are absolutely none that can be distinctly referred to for either purpose.

If there exists in the records of the convict department in Ireland more exact and reliable information than is to be obtained in England, it is quite clear it has not been submitted to Parliament, and that the public have had no means whatever of forming an accurate conclusion on the results; the most erroneous opinions have therefore been formed, and, greatly to the detriment of the public interests, have been widely promulgated.

I would merely state in conclusion, that after making due allowance for difficulties and difference in circumstances, I see no reason to doubt that the Convict System as administered in England, is bearing far better fruit than it is in Ireland, and that the more carefully the subject is inquired into the more decisive will be the proofs of it.

I have, &c.

J. JEBB,

Chairman of the Directors.

The Right Honourable the Secretary of
State for the Home Department.

45, Parliament Street,
Dec. 13, 1862.

REPORT ON THE STATISTICS RECEIVED FROM IRELAND.

SIR, 45, Parliament Street, February 1863.

I HAVE to acknowledge the receipt of your letter of the 23rd ultimo, referring by direction of Secretary Sir George Grey, for my consideration and report, the Returns recently received from the Irish Government in reference to the operation and results of the system adopted in Ireland, for the management and disposal of convicts.

In reply, I would beg leave to state that I have carefully looked through the returns, but only find it necessary to direct attention to those which bear upon the operation of the intermediate system on male convicts, as exhibited in the following, and to refer briefly to the comparative expense of carrying on the convict systems of England and Ireland respectively.

FIRST, INTERMEDIATE PRISONS.*

No. I.

"RETURN, showing the number of Male Convicts released on licence from Smithfield and Lusk Prisons, during each of the last six years, and their disposal on discharge from prison.

YEAR.	Number released on Licence.	Placed under supervision of the Constabulary.	Placed under supervision of Lecturer of Smithfield.	Gone abroad, &c.	Number who have subsequently had their Licence revoked, or have been reconvicted to Penal Servitude or Transportation before the expiration of their Sentence.
1856	114	47†	58	9	17
1857	159	39	97	23	25
1858	134	26	13	95	12
1859	93	22	15	56	11
1860	93	35	16	42	3
1861	195	84	34	77	12
Totals -	788	253	233	302	80
Add 1862 -	—	—	—	—	9‡
					89

* About 75 per cent. of selected prisoners are drafted into the intermediate prisons.

† Constabulary supervision was not established until January 1857, consequently the numbers marked above,† for the year 1856 were not under that supervision, but they were located throughout the country, and communication partially carried on with them by the Superintendent of Smithfield, who received monthly letters from the majority.

‡ Convicts discharged in former years who had their licences revoked or who were reconvicted in 1862.

|| See Return, page 24.

(Signed)

J. S. WHITTY, Director."

SECOND, ORDINARY PRISONS.

No. II.

"RETURN, showing the number of Male Convicts released on licence from Spike Island and Philipstown Prisons during each of the last six years, and their disposal on discharge from prison.

YEAR.	Number released on Licence.	Placed under supervision of Constabulary.	Placed under supervision of Lecturer of Smithfield.	Gone abroad, &c.	Number who have subsequently had their Licences revoked, or been reconvicted to Penal Servitude or Transportation before expiration of Sentence.
1856	184	184*	—	—	6
1857	92	87	2	3	9
1858	42	31	4	7	3
1859	45	35	3	7	1
1860	41	22	6	13	1
1861	27	12	5	10	1
Totals -	431	371	20	40	21
Add 1862 -	—	—	—	—	2†
					23

* Constabulary supervision was not established until 1st January 1857, the number marked above,* for the year 1856 is merely inserted in order that the total may correspond.

† Convicts discharged in former years who had their licences revoked or who were reconvicted in 1862.

(Signed) J. S. WHITTY, Director."

FIRST, INTERMEDIATE PRISONS.

It appears from Return No. 1, embracing the period from 1856 to 1861, that there were released on licence from the intermediate prisons of Smithfield and Lusk - - - - - 788 prisoners.

Of whom there went abroad - - - - - 302 "

Remained in Ireland - - - - - 486 "

Reconvictions, revocations during the short time the licence had to run - - - } 80 "

Add from Supplementary Return to 1862 - - 9 "

89

Giving a per-centge of reconvictions, } 16·46

&c. up to 1861 of - - - - } 16·46

And up to 1862 of - - - - } 18·3

As, however, the Irish system was not in full operation until 1857, and convict discipline is now carried out under the Act of

that year, I would propose to consider the five years from 1857 to 1861, as follows:—

Deducting 1856 :

Released on licence	- - - - -	674	prisoners.
Gone abroad	- - - - -	293	"
Remained	- - - - -	381	"
Reconvictions, &c. as before	- - - - -	63	"
Add from Supplementary Returns to 1862	- - - - -	9	"
		72	
Per-cent-age up to 1861 of	- - - - -	16·5	"
and up to 1862 of	- - - - -	18·8	"

SECOND.

Ordinary prisons of Spike Island and Philipstown in which about 25 per cent., deemed ineligible for the special training given in the intermediate prisons, are left.

From 1856 to 1861, there were released on licence	- - - - -	431	
Of whom went abroad	- - - - -	40	
Remaining in Ireland	- - - - -	391	
Relapses, including 1862	- - - - -	23	
Per-cent-age	- - - - -	5·88	
Deducting 1856, as before,—			=====
Released on licence in 5 years	- - - - -	249	
Gone abroad	- - - - -	40	
Remaining in Ireland	- - - - -	209	
Relapses, including 1862	- - - - -	17	
Per-cent-age	- - - - -	8	

Further Explanations.

It would appear from these returns that of the 75 per cent. specially selected from Spike Island for the peculiar, or, as it is stated, more natural training at the intermediate prisons of Smithfield and Lusk, two-fifths are known to have gone abroad on their discharge, or within the short unexpired term of the sentence.

From the care taken to obtain employment for all that are placed under the rural constabulary,* or who are selected by Mr. Organ himself to be kept under his own supervision in Dublin it may be assumed that the majority who "go abroad" are those of uncertain prospects and less stable character, and more liable, therefore, than those who remain, again to fall into criminal pur-

* See regulations, &c., "When an offer of employment for a prisoner is accepted," a notification thereof will be made by the Directors of Government Prisons to the Inspector-General of Constabulary, &c.

suits. It would be his duty, in the interest of the public service, to guard this point, and also to look to his own personal responsibilities in recommending discharged prisoners to employers willing to receive them.

It is curious and instructive to follow up the inquiry into the results of the English system at Spike Island on the 25 per cent. who are not deemed eligible to receive the advantages of the special training at the intermediate prisons.

Taking the seven years from 1856 to 1862, the relapses of those who have remained in Ireland, after discharge from Spike Island, appear to be only 5·8 per cent. as compared with 18·3 from Smithfield and Lusk.

"IRISH CONVICT PRISONS.

No. III.

SUPPLEMENTAL RETURN of the Number of Male Convicts released under Orders of Licence from the Year 1856 to the Year 1862 inclusive, showing the Number Returned to the Convict Prisons, either by having had their Licences revoked for trifling Offences, or being sentenced to Penal Servitude or Transportation. (In continuation of the Return No. 2, furnished on the 2nd January 1863, which extended only to the Year 1861.)

Year.	Number Licensed.	Total Number of Male Convicts who have been Reconvicted or Licences Revoked from 1856 to 1861 inclusive, as detailed in previous Return No. 2, furnished on 2nd January 1863.		Number of Male Convicts who have been Reconvicted or Licences Revoked in 1862.		Total Revoked to 31st December 1862.	Total Reconvicted to 31st December 1862.	Grand Total.	Percentage.	
		Revoked.	Reconvicted.	Revoked.	Reconvicted.				Revoked.	Reconvicted. [†]
1856	298	15	8	—	—	15	8	23	5	2·6
1857	252	24	10	—	—	24	10	34	9·5	4
1858	176	11	4	—	1	11	5	16	6·2	2·8
1859	140	6	6	—	1	6	7	13	4·2	5
1860	137	2	2	1	1	3	3	6	2·1	2·1
1861	224	11	2	4	4	15	6	21	6·7	2·6
1862	161	—	—	7	5	7	5	12	4·3	3·1
	1,388	69	32	12	12	81*	44	125	5·8	3·1
		101		24						

* Of this number 34 had their licences revoked for leading an irregular life, or not complying with conditions of licence as to reporting themselves periodically to police, &c.

† Cases in which the convict has been reconvicted, and the licence also revoked, are included under the former head.

(Signed) J. S. WHITTY, Director of Convict Prisons.
February 11, 1863.

A striking example of the futility of testing—the experiment in Intermediate Prisons when mixed up with the results of the established system in a general return may be gleaned by a brief comparison of this return with No. 1 already given. The year 1858 may be taken in illustration.

The general return gives 176 (No. 3 above) as the number released on licence in all Ireland,—of these (it will be seen on refer-

ring to return No. 1, p. 20.) 134 were released from Lusk and Smithfield; of this 134, there went abroad 95, leaving 39 in Ireland, all of whom, under the circumstances, may be assumed to have had fair prospects of employment at their own homes in the country or through the kind exertions of Mr. Organ. We find, however, that in the three years up to the end of 1861, no less than 30.8 per cent. were again in the Convict Prisons, either from having had their licences revoked or from being again sentenced to penal servitude. As the general average gives 81 revoked licences to 44 re-convictions, and for 1858—11 to 5—it may be said that in round numbers there were about 10 per cent. of re-convictions, and 21 per cent. of revocations, making 33 per cent. altogether during the unexpired terms of their sentence.

In the general returns, where the per-cent-age is taken on the whole numbers, it appears as only 6.2 of revocations, and 2.8 of fresh sentences.

The general average of the seven years up to the end of 1862, is given at a per-cent-age of 5.8 of revocations, and 3.1 of re-convictions: total, 8.9.

The average per-cent-age of similar relapses from Smithfield and Lusk, with the necessary reduction of those who have gone abroad, as given at page 21 is 18.3.

RETURNS FOR 1862.

No. IV.

The statistics for the single year 1862 will, perhaps, furnish the clearest view of the operation of the Act of 1857, as worked out in the Convict Prisons of Ireland and England respectively.

"SUPPLEMENTAL RETURN showing the Number of Male Convicts released on Licence from Smithfield, Lusk, Spike Island, and Philipstown Prisons, during the Year 1862, and their disposal on discharge from Prison. (In continuation of the Returns Nos. 3 and 4, furnished on the 2nd January, 1863, which extended only to the 31st December, 1861.)

Prisons.	Number released on Licence.	Placed under Supervision of the Constabulary.	Placed under Supervision of the Lecturer of Smithfield.	Gone abroad, &c.	Number who have subsequently had their Licences revoked, or been Reconvicted to Penal Servitude or Transportation before Expiration of Sentence.
Smithfield and Lusk -	142	37	10	95	10
Spike Island and Philipstown - - -	18	8	8	2	2
Total - - -	160	45	18	97	12*

* Add 12 convicts with licences revoked, or reconvicted to penal servitude in 1862 before expiration of sentence who had been released in previous years, as below, † making a total of 24.

† Released from Smithfield and Lusk, in 1858, 1; in 1859, 1; in 1860, 1; in 1861, 6. Released from Spike Island or Philipstown, in 1860, 1; in 1861, 1. Released from Mountjoy in 1861, 1. Total, 12.

(Signed) J. S. WHITTY, Director of Convict Prisons."

February 11, 1863.

The following are the particulars, as near as I can make them, from the supplemental returns just received :—

Ireland.

Released on licence from Smithfield and Lusk	- - - - -	142
Gone abroad	- - - - -	95
Remained in Ireland	- - - - -	47
Reconvictions	- - - - -	5
Revocations	- - - - -	5
Per-cent-age of each 10·64 ; or	- - - - -	21·28
Released from ordinary prison at Spike	- - - - -	18
Gone abroad	- - - - -	2
Remained in Ireland	- - - - -	16
Reconvictions, &c.	- - - - -	2
Per-cent-age	- - - - -	12·5

These returns taken in connexion with those extending back to 1856, contrast strongly with the following for England :—

England, 1862.

Released on licence	- - - - -	1,825
Gone abroad, say seven per cent.	- - - - -	125
Remained in England	- - - - -	1,700
Reconvictions	- - - - -	78
Revocations	- - - - -	32
Per-cent-age of reconvictions	- - - - -	4·6
Per-cent-age of revocations	- - - - -	1·9
Total per-cent-age on revocations and recon- victions	- - - - -	6·5

Further Considerations in reference to Intermediate Prisons.

What, however, is of far more consequence than any percentage on the trifling number released on licence from the whole of the prisons in Ireland, is the future effect to be apprehended from the exhibition of the highest of our secondary punishments carried out in so attractive a form, as it appears at Lusk.

The poor man is deterred from entering a workhouse by its being made distasteful. If care be not taken he will be attracted to the prisons by what he sees and hears of the intermediate establishments ; for it is these alone, of all the places of confinement, that are known or talked of in Ireland.

No one can see through the walls of Mountjoy, and no one can land on Spike Island, but Lusk and the Forts have been open to all.

At Lusk, the only one of these now occupied, the inmates may be seen about the farm, to all appearance, and almost in reality, in perfect freedom. They are dressed like ordinary labourers, march to church, are associated with their officers, who are purposely dressed as nearly as may be in a similar way, and above all they can secure for themselves the means of joining their friends in New York, a boon which large masses in Ireland have long been taught to regard as the aim and object of continuous exertion in honest industry.

Having recommended, at a period of great difficulty (1847), that the English system of convict management, as exhibited at Mountjoy and Spike Island, should be introduced into Ireland, I cannot but look back to the fearful experience of the Famine period, and point to it as a warning against any measures which shall diminish the prestige of secondary punishments in Ireland.

It is well known that, at the period referred to, not even the dread of transportation, which at that time was a serious matter, prevented thousands of the poor from committing crime for the avowed purpose of being sentenced.

In all former reports I have ventured to point out that relaxed discipline in intermediate establishments though, perhaps, affording in the previous stages an additional inducement to good conduct, would with English convicts end in the loss of some of the advantages gained by the care bestowed in previous training. The results exhibited in the returns under consideration will, I think, be considered sufficiently decisive to settle the question, even if the loss of the deterring element of punishment for crime should be disregarded.

AGGREGATE OF RE-CONVICTED PRISONERS IN CONVICT PRISONS ON 1ST OCTOBER 1862.

The following is a "Return of the number of convicts now in the Irish *convict prisons* who at any former period have been subject to a sentence of transportation or penal servitude, stating whether discharged from the intermediate prisons or female refuges, or from the ordinary prisons," and giving the following results:—

" Male convicts in the Irish Government prisons -	1,079
Previously subjected to a sentence of trans- portation, or penal servitude.	277
Add in the county prisons - - - -	37*
Per-centge of males - - - -	29
Females in the convict prisons - - - -	483
Reconvictions, &c., as above - - - -	145
Add county prisons - - - -	22†
Per-centge of females - - - -	38·5"

* See returns, Appendix p. xlvi.

† See returns, Appendix, p. xlvi.

English Prisons.

The following is the return from the English prisons, in the same terms, as given in my last Report, page 109:—

In the convict prisons on the 1st October 1862:—

Males previously under sentence of transportation or penal servitude	-	15·3 per cent.
Females	-	15·4 "
Males in the county prisons	-	4·8 "
Females	-	3·9 "
Making a total of reconvicted males in English convict and county prisons of	-	20·1 per cent.
Do. females	-	19·3 "

As compared respectively with 29 and 38·5 in the Irish prisons.

REPORT OF THE BOARD OF SUPERINTENDENCE OF THE CITY OF DUBLIN PRISONS FOR 1862.

The following abstract gives the number of returned Convicts committed for new offences in the year 1861, and to the 20th December 1862, showing how they were identified and disposed of.

	By whom identified.	How disposed of.			
		Total.	Penal Servitude.	Imprisonment	Discharged.
Committed in 1861.	Officers of Richmond Bridewell	-	-	-	-
	Convict Prisons	-	-	-	-
	Admitted by themselves	-	-	-	-
		Total	-	-	-
	Suspected but not identified	-	-	-	-
		Total	-	-	-
	Total number of individuals	-	-	-	-
	Officers of Richmond Bridewell	-	-	-	-
	County Dublin prison	-	-	-	-
	Convict prisons	-	-	-	-
Committed in 1862.	Admitted by themselves	-	-	-	-
		Total	-	-	-
	Suspected but not identified	-	-	-	-
		Total	-	-	-
	Total number of individuals	-	-	-	-

OBSERVATIONS.

In compliance with your request that I would consider the report of the Board of Superintendence of the Dublin Prisons for 1862, and submit any observations that might occur, I beg to state

that out of 51 returned convicts * committed in the year 1861, it appears that only 12 received a sentence of penal servitude, whilst 35 were sentenced to ordinary imprisonment. Also that out of 33 committed in 1862, only 12 received a sentence of penal servitude, whilst 17 were sentenced to imprisonment.

If a similar proportion between sentences to penal servitude and imprisonment holds good in other prisons, there would be found in ordinary prisons, in the course of one year, a very large proportion of prisoners who had passed through the convict prisons.

It will be observed that though a large number have been recognized as having been previously in Convict prisons, it has by no means followed (as suggested in the note to Return No. 4, page 29) that they have in consequence received a sentence to penal servitude, or that they have been identified through the agency of the prison department by photography or other measures to the extent which is generally assumed to be the case.

RETURN, SHOWING THE NUMBER OF PERSONS SENTENCED, &c.

The following statements showing the comparative increase of crime are taken from the Criminal Statistics of indictable offences in Ireland for 1857 to 1861, inclusive, continued in a separate Report for 1862, as follows :—

Sentenced to Penal Servitude.

Ireland	1860	- -	297	
	1861	- -	354	
	1862	- -	577	94·28 per cent. increase in 1862 on the No. in 1860.
England	1860	- -	2,219	
	1861	- -	2,450	
	1862	- -	3,154	42·1 ditto ditto.

This extraordinary increase in Ireland is the more remarkable, when taken in connexion with the information afforded by the Board of Superintendence of the small proportion that receive a sentence of penal servitude of those who have been before convicted, and it appears to justify the apprehensions they have seen reason to avow in the following statement :—

“ Conceding, however, to the warmest advocates of the ticket-of-leave system, all the advantages believed to be derived from it, the Board cannot conceal the fact, that the Irish system has not as yet had time to develop itself, nor has it the same elements and difficulties to contend with as exist in England ; and they cannot, therefore, consistently with what they see before them, refrain from expressing their apprehension that the ‘ garotting,’ and other acts of personal violence, will soon extend to Ireland, if some more vigorous mode of punishing the habitual criminal be not devised.”

* Fifteen others were suspected, but not identified, in 1861 and 1862.

The opinion expressed by the Board of Superintendence is fully confirmed by the comprehensive Returns furnished by Captain Whitty, the present chairman, and supports the view I have ventured to submit of the danger of experimenting upon, or unduly lowering, the standard of secondary punishments.

It may be difficult to define all the causes which have contributed to produce such marked effects as those which have been under consideration, but the failure of the Intermediate Prisons, either to reform or deter, is too prominent to escape notice.

GENERAL RETURN FROM THE IRISH CONVICT PRISONS.

The following is an important return, from the results having been frequently referred to at public meetings :—

RETURN, No. 4, shows the total number of Convicts discharged from the Irish Convict Prisons in the six years, from 1856 to 1861, inclusive, on licence or otherwise, and the number of the above who have returned in any way to the Convict Prisons within the above period.*

	Number Discharged from 1856 to 1861 inclusive.			Recommitted to Convict Prisons.			Per Centage of Recom-mittals on Numbers Discharged	Number of recom-mitted Prisoners who had been Discharged from intermediate Prisons or Female Refuges.
	On Licence.	Absolu-tely dis-charged.	Total.	Licences Revoked	Recon-victed.	Total.		
Males - -	1227	2321	3548	69	227	296	8·3	76
Females - -	453	642	1095	19	145	164	14·9	23
Totals - -	1680	2963	4643	88	372	460	9·9	99

* To this return the following explanations are appended :—

1st. Of the above numbers the former convictions of a large number occurred previously.

2nd. Since June 1859, the greater number of those who have been reconvicted have been *recognized in the county prison before trial*, and *notified to the judges as "habitual offenders"* (in the manner shown in the annexed memorandum, with forms attached), the result being, in very many instances, the return to the convict prisons of criminals who might otherwise have received sentences of imprisonment only.

3rd. It will be seen on reference to the annexed return, that out of 4,643 convicts discharged within the six years ending 31st December 1861, only 460 had returned to the convict prisons ; being a per-centage of less than 10 per cent.

(Signed) J. S. WHITTY,
Director of County Prisons.

From this it appears that there have been discharged from all prisons 4,643 males and females, and that only 460 have been returned to the convict prisons, just 10 per cent. Attention is particularly called to this point, in note 3rd (above), and it is this same 10 per cent. which has been repeatedly adverted to at public meetings by the advocates of the Irish system in proof of its entire success. A very little explanation will, however, show that no conclusion of the kind can safely be established on any such data.

In the first place, the males and females are included in the gross number 4,643, and as a proportion of the females are released on licence *into refuges*, and not into haunts of vice, there is not the same chance of relapse. The view must therefore be confined to the males.

Of the total number, 4,643, released during the six years, 1,095, were females, reducing the males to 3,548. It appears, however, that only 1,227 males had been released on licence in all Ireland, and that of these 788* only had been subjected to the intermediate discipline of Lusk and Smithfield prisons, combined with supervision on discharge.

This 10 per cent. is referred to in the Report for 1861 in proof of the great success of the Irish system as follows:—"Since "January 1854" (that is three years before the Irish system was in full operation, and nearly one year before the appointment of the Directors,) "6,121 convicts have been liberated in Ireland, and "since the establishment of intermediate prisons, upwards of six "years ago, only 10 per cent. of all classes of convicts liberated "from the Government prisons since that time have returned "to them." The only points under consideration, however, are the advantages and superior results of the intermediate system. We have therefore to inquire what are the facts disclosed in the returns recently furnished by the Irish Government?

Now it may be seen from the returns given at page 20 *et seq.* that of convicts discharged on licence from 1856 to 1862, and remaining in Ireland, no less than 18·3 per cent. of those discharged from Smithfield and Lusk had their licences revoked, or were reconvicted for fresh offences within the unexpired terms of their sentences, how many were subsequently convicted does not appear. In the year 1858, the proportion of relapses was even as high as 33·6 per cent., and in 1859 it was 30 per cent.

The comparison of these returns shows conclusively the necessity of confining attention to the specific results attained at Smithfield and Lusk, and how completely any one will be misled who mixes up different classes of convicts. Had the information disclosed in the returns to which I have called attention been accessible to Parliament and the public, the unceasing agitation which has been kept up in favour of the Irish system for so long a period, would have been impossible.

When the returns are thus closely examined with a view to testing the success of the experiment tried at Smithfield and Lusk, the result appears to show that no advantage has followed the adoption of an intermediate system in Ireland, in addition to the progressive stages of discipline and industrial training carried out under the Portland and Pentonville rules at Mountjoy and Spike Island. On the contrary, the results, so far as they can be accepted as a test, appear unfavourable to the experiment, and afford no encouragement whatever to follow it.

* See return No. 1.

As regards the assumed advantage of police supervision that has been so much dwelt upon, it will be seen by reference to Returns 1 and 2 that only 624 convicts, or 13·5 per cent. of the total number of 4,643 discharged prisoners have ever been placed under the supervision of the police, though there is a very general impression (in England) that every prisoner released in Ireland is under that restriction. It further appears that it is only in the case of male convicts who have "*gone home*" into the country districts that it has been brought to bear at all.

The complaint that Parliament and the public have a right to make is, that no means have, until now, been afforded them of forming a just opinion on the results of the Irish system, and of comparing it with the results in England. Hence it is that while *Success* has been confidently asserted, the assertion has remained unquestioned from the impossibility of subjecting it to investigation.

(Signed) J. JEBB,
Chairman of the Directors of Prisons.

To H. Waddington, Esq.,
&c. &c. &c.

COMPARISON OF ENGLISH AND IRISH STATISTICAL RETURNS UP TO 1862.

WHATEVER difference of opinion may exist as to the principle or policy of issuing tickets-of-leave, no doubt should be allowed to rest on the results of the system, so far as it can be ascertained.

It will be my endeavour in the following returns to give the best information in my power. I have the more satisfaction in doing this, as the very comprehensive returns furnished under the direction of the Irish Government by Captain Whitty, the present Chairman, afford for the first time since the appointment of a Board of Directors the means of instituting a fair comparison.

The returns from the English prisons are given in the Appendix, p. xxx., and I proceed to give a brief description of the information which some of them contain.

Return No. 7 shows that the total number of convicts who have, during a period of nine years and a quarter, received licences under the Act, amount to 12,332. It is to the disposal of these convicts we would now advert.

I. Commencing, then, with the year 1853, the first of the series of ten years, it will appear that in this year 335 licences were granted. Of the prisoners who received such indulgence 39 only, during a period of eight years, were again brought under criminal cognizance, viz., 15 whose licences were cancelled for trifling offences, and 24 who were again convicted.

II. In the year 1854, 1,895 licences were issued, of which, during the subsequent period of eight years, 145 tickets were revoked, while 183 persons discharged under licence, were again

convicted ; the revocations of licence being at the rate of 7·6 per cent. for that period, or 9 per cent. per annum. The *re-convictions* averaging 9·6 per cent., or 1·2 per annum.

III. In 1855, 2,528 prisoners were discharged, of whom, during seven subsequent years, 315 forfeited their licences, while 350 were re-convicted, the former averaging 12·6 per cent., or 1·8 per cent. per annum ; the latter 13·8 per cent., or about 1·9 per cent. per annum.

IV. In 1856, 2,007 licences were issued, of which, during a period of six years, 258 were cancelled, and 353 ticket holders were re-convicted ; the revocation of licence being at the rate of a little more than 12·8 per cent., or 2·1 per cent. per annum, the re-convictions averaging 17·5 per cent., or 2·9 per cent. per annum.

V. In 1857, 674 prisoners were discharged. During the five subsequent years, 72 tickets of leave were revoked, and 93 persons re-convicted ; the per centage being 10·8 and 13·9 for that period, or 2·1 per cent. per annum for the former, and 2·7 per cent. per annum for the latter respectively.

VI. In 1858, 318 convicts were discharged. During the four following years 30 tickets were cancelled, and 28 re-convictions recorded ; the revocations of licence averaging 9·4 per cent., or 2·3 per cent. per annum ; the re-convictions amounting to 8·8 per cent., or 2·2 per cent. per annum.

VII. 1859. In this year 260 prisoners were released, while, during the three following years, 9 tickets of leave were revoked, and 17 holders of licence were re-convicted ; the revocations of licence averaging 3·4 per cent., the re-convictions averaging 6·9 per cent. for that period, or about 1·1 per cent. per annum, and 2·3 per cent. per annum respectively.

In 1860, 818 licences were issued, of which, during that year and the following, 7 were revoked, and 38 holders of licences re-convicted ; the revocations being 0·8 per cent. ; the re-convictions being 4·6 per cent.

In 1861, 1,672 persons were discharged, 14 licences were recalled for slight offences, while 117 ticket holders were again convicted ; the per centage during the year being 0·8 and 6·9 respectively.

In 1862, 1,825 licences were issued, 32 were revoked for slight offences, and 78 licence holders were again convicted, the percentage of revocations being 1·7, and of reconvictions 6·0.

The summary of these statistics may be briefly disposed of by stating that of the 12,332 male convicts, discharged, with tickets-of-leave during a period of eight and a quarter years, upwards of 82 per cent. have not (so far as can be ascertained) been again charged with, or convicted of any offence. Of the residue about 18 per cent., who appear to have relapsed into crime, and been again convicted, 897 persons, or about 7·2 per cent., were, on account of the character of the offence, punished only by a revocation of their licence, or, in some cases, a brief additional period of imprisonment, while 1,281, or 10·3 per cent. were convicted and received a further sentence of penal servitude.

On referring to Table No. 8, the character of the offences with which these relapsed prisoners were charged will appear; 1,585 persons, or 72·7 per cent. were convicted of the comparatively lighter crimes of larceny, vagrancy, &c., while 593, or 27·2 per cent., were found guilty of offences of a graver character. Whatever may be the opinion formed by the public on these details, it should be arrived at only after due and thoughtful consideration of the difficulties which, (at least in this country,) beset the convict on his discharge from prison. The mistrust and suspicion manifested towards him by all classes, and consequently his almost inevitable association with persons of loose and immoral habits, seem to present almost insurmountable obstacles to his success. Where, however, these impediments have been overcome, and he has succeeded in obtaining honest and regular employment, the slightest fluctuations of the labour market serve to throw him again on the world; for, as it might be expected, and, indeed, as it ought to be, the ticket-of-leave holder, excepting in cases of extraordinary skill, is the first to suffer from the cessation of a demand for labour. Perhaps a record of the difficulties encountered by him will be found in the "Table of the relapsed," in which a marked disparity exists in the results of the first and second years after discharge, the increased number of "reconvictions" in the latter appearing to mark the period of the struggle and the subsequent fall.

Table No. 9 furnishes similar information as regards the disposal of female convicts discharged under this system during the same period; the details do not seem to call for any observation.

Return No. 10 shows that during a period of eight years, from 1854 to 1861, 2,114 *male and female licence holders* were convicted, as compared with 124,722 other criminals, being in the proportion of 1·6 per cent. only of licence holders.

Return No. 11 shows the number of reconvicted male convicts (who have previously been sentenced to penal servitude or transportation,) and the sentences passed upon them when reconvicted, from which it appears that out of 14,544 male convicts sentenced to penal servitude in the six years from 1857 to 1862, the number who had been previously sentenced at any period to transportation or penal servitude was 2,568, giving an average per-cent-age of 17·6.

Return No. 12 shows that of the 9,096 convicts released from public works and the invalid prisons, 6,687 were entitled to receive balances of gratuity, that 5,872 applied, and that 5,845 forwarded satisfactory certificates from clergymen, magistrates, and others, and that 27 only were unable to procure the necessary certificates.

Irish Returns.

For comparison with these returns I have given at page 20, my observations on the returns received from Ireland and referred, by direction of Sir George Grey, for my consideration and report.

POLICE SUPERVISION OF DISCHARGED PRISONERS.

The question of police supervision of discharged prisoners is one of vital importance for good or evil in connexion with the solution of the convict question.

I first claim entire success for the English mode of enforcing police supervision, in a precise and effective form, in Van Diemen's Land and Western Australia.

The chief point, however, to which I would direct attention, is, that a prisoner, embarked from England, having had these restrictions fully explained, may confidently look to the substantial boon of not being driven into criminal courses without resources, or a chance of earning his livelihood. If police supervision be a necessary condition, the question of its introduction into this country is dependent upon the certainty of securing employment for discharged prisoners disposed to live honestly.

The instructions given by Earl Grey, in respect to the intermediate probationary stage of a pass holder in Van Diemen's Land, are dated the 25th July 1850. Speaking of newly arrived convicts, he says, "No convict shall be allowed to pass from under the immediate charge of the Government until he shall have entered into a contract to serve, for not less than a year, with some private employer."

With regard to convicts holding a ticket-of-leave and unable to obtain an engagement, his Lordship directed that they should be *employed by the Government*, and that assistance should be given to them to provide themselves with huts in situations convenient for their labour, for which they were to receive ordinary wages, &c.

In Ireland, the following is the regulation for the few who are released under any kind of supervision by the police:

"333. *Supervision of Convicts on Tickets of Licence.*—In order to the maintenance of a due supervision of convicts on tickets of licence, and a check upon the evil disposed, the following regulations are to be observed :—

"334. When an offer of employment for a prisoner is accepted, a notification thereof will be made by the Directors of Government prisons to the Inspector-General of constabulary, by whom it will be transmitted to the constabulary of the locality in which the employment is to be given.

"335. Each convict will report himself at the appointed constabulary station on his arrival, and subsequently on the first of each month."

Under circumstances where employment can be secured, the objection to the supervision of the police ceases, but I no less earnestly protest against the favourable experience of it which has been gained in the Colonies, being taken to prove that similar measures could be applied in England, where, instead of there being an urgent demand for the service of ticket-of-leave holders, they are well nigh a proscribed race, and it is only by the efforts of the benevolent that any means of obtaining work for a proportion of them can be discovered, or that they are saved from ruin.

To interpose conditions and restrictions that would effectually stamp them as individuals belonging to a *criminal class* in this country, would be manifestly a most inexpedient exercise of power, and one that would be calculated to defeat the entire object of an improved system of convict discipline.

Effect of Police Supervision on the Continent.

In order, however, to show the effects of carrying out any *general system* of police supervision under less favourable circumstances than those which have been referred to, I would adduce the opinion of some of the most eminent authors on the continent, whose names and works will be familiar to all who have given attention to the question.

Its failure in France has been described by Béranger, in his great work, entitled "De la Repression Penale," &c. He says, that to liberated prisoners, disposed to live honestly, the surveillance of the police is a burden, which, like the chains they have dragged about, holds them up, at all times and in all places, as criminals, deprives them, therefore, of the resource of obtaining employment, and, to the great detriment of society, exposes them unceasingly to the temptation of again entering upon a course of crime.

The views of Béranger, in regard to the effect of police supervision in France, are confirmed by the eminent jurist, Baron Holtzendorff, in reference to Prussia. He says:—

"It may be asserted that the indiscriminate application of supervision, no regard being had either to good or bad behaviour of prisoners, is a direct source of new crimes."

"There are certainly some cases where precaution is required and suspicion justified; but there are many other cases where the final reformation of discharged convicts depends upon their being treated with confidence."

Baron Holtzendorff continues:—

"In France and in Prussia, police supervision is little more than a moral stigma, a predestination to a career of crime, that employers are deterred from any communication with discharged convicts, placed under the supervision of the police."

"The benevolent societies operating for the purpose of procuring employment for discharged prisoners, must conceal the fact of existing supervision; for, if it becomes known, a prejudice arises against them, which they cannot overcome."

"In Prussia at least," he goes on to say, "it is almost universally acknowledged, that police supervision, as a necessary and absolute consequence of judicial sentences, is a legal contradiction to any hope of reformation."

In regard to Ireland he observes:—

"The Irish police, as far as I can see, do not make a constant show of distrust towards discharged prisoners."

"It is their duty to give assistance to those who, according to the competent explanation of the prison authorities, are entitled to confidence. It is their duty to be an intermediate institution between the prison officer, discharged prisoner, and employer."

The Baron may have mistaken the friendly and self-imposed duties of Mr. Organ in superintending all convicts who "settle down" in Dublin, for the qualified superintendence which is exercised over those who "go home" into the country districts, but if we are to trust to experience, it will be admitted that any general intermediate institution of this character in England would not be likely to secure much assistance.

SURVEILLANCE OF POLICE IN FRANCE.

Under ordinary circumstances the conclusions of these eminent men, with all the facts under their observation, might be of sufficient weight to determine the question, but in a matter of such deep importance as that of introducing the novel element of police supervision into this country, which, to be of any use at all, should be of a most stringent character, and be extended far beyond the limits of a ticket of leave man, I deem it my duty to give the further and more precise information which the experience of France furnishes.

The practice of enforcing police supervision over certain classes of discharged criminals after having undergone the sentences pronounced in court, appears to have been introduced into France under Louis XIV. and to have been continued with various changes in the administration of the law until finally organized under the Code Imperial of Napoleon in 1810.

One leading feature of the system was that the Government were enabled to prescribe the particular locality or commune where each *forçat* was to reside; the large towns being especially interdicted.

During the reign of Napoleon, and after the restoration, the same course was pursued, but the results became so deplorable that in 1832 reform was loudly called for and was eventually granted.

The system is described to have operated in a manner,—

"À la fois injuste, inhumain, illibéral, et inefficace. Injuste, en ce que, d'une part, il frappait *indistinctement* tous les condamnés d'une certaine catégorie, sans tenir aucun compte de l'amendement et du repentir; et que l'autre, par une distinction inexplicable, il permettait aux seuls condamnés solvables de s'affranchir de la surveillance. Inhumain et illibéral, en ce que, par l'exorbitante mesure des detentions administratives, il infligeait à citoyens l'également libérés de la peine une sorte de servage infamant, qui les enchaînait sans relâche et sans pitié, soit pour de longues années, soit même jusqu'au et étouffait dans l'âme du libéré toute pensée d'amendement."

The Minister of Justice in the *Exposé des Motifs* of the proposed amelioration thus energetically and concisely sums up the effect of the system as then administered, and in proclaiming before the Legislative Chambers its deplorable consequences, showed the necessity of the contemplated change. He said:—

“ Les mesures prises par la police pour s’assurer que le libéré occupait réellement la résidence qui lui avait été assignée donnaient au fait de la condamnation une publicité inévitable. Surveillé *par des agentes subalternes*,* signalé à la défiance des maîtres, à la jalousie et au mépris de ouvriers, suspect de tous les crimes commis dans le lieu qu’il habitait, le libéré ne trouvait pas de travail ; l’impossibilité de gagner honnêtement son pain étouffait en lui toute résolution d’une vie meilleure, et la misère le rejetait bientôt dans le crime et dans les bagnes.”

It remains to be seen whether the amelioration introduced into the Code of the 28th of April 1832, from which the best effects were anticipated, have justified the expectations or fulfilled the hopes of its projectors. The following explanations of the Minister will show the leading provisions of the new law :—

“ L’effet du renvoi sous la surveillance de la haute police sera de donner au Gouvernement le droit de déterminer certains lieux dans lesquels il sera interdit au condamné de paraître après qu’il aura subi la peine.

“ En outre, le condamné devra déclarer avant sa mise en liberté, *le lieu où il veut fixer* sa résidence ; il recevra feuille de route réglant l’itinéraire dont il ne pourra l’écarter et la durée de son séjour dans chaque lieu de passage. Il sera tenu de se présenter, dans les vingt-quatre heures de son arrivée, devant le maire de la commune ; il ne pourra changer de résidence sans avoir indiqué trois jours à l’avance à ce fonctionnaire, le lieu où il se propose d’aller habiter et sans avoir reçu de lui une nouvelle feuille de route.”

It is provided that in case of an infraction of the conditions :—

“ L’individu mis sous la surveillance de la haute police sera condamné, par les tribunaux correctionnels, à un emprisonnement qui ne pourra excéder cinq ans.”

And further that :—

“ 47. Les coupables condamnés aux travaux forcés à temps, à la détention, et à la réclusion seront, de plein droit, après qu’ils auront subi leur peine, et pendant toute la vie, sous la surveillance de la haute police.

“ 48. Les coupables condamnés au bannissement seront, de plein droit, sous la même surveillance pendant un temps égal à la durée de la peine qu’ils auront subie.

“ 49. Devront être renvoyés sous la même surveillance ceux qui auront été condamnés pour crimes ou délits qui intéressent la sûreté intérieure ou extérieure de l’état.”

Under this modification of the law a prisoner, instead of being forced into a particular or perhaps unsuitable locality, was at liberty to choose his residence, and, on giving notice, to change it for one which might afford him a better opening for securing employment.

As it is a matter of vital importance, I would remark in passing that this is precisely the system which has been so long established for ticket-of-leave men in the colonies, and its entire success there,

* The theory of the system was the surveillance of the “ Haute Police.”

and, as will be shown, its entire *failure* in France, is mainly to be ascribed to the discharged prisoner having *employment* secured to him in one case, and its being impossible to obtain *employment* or even retain it when found in the other.

In establishing this new system of supervision, the Government and the Chambers were doubtless actuated by benevolent motives in the interests of the discharged prisoners.

On this the Minister explained,—

“Que les condamnés devront être dispensés à l'avenir de toutes ces mesures de police qui, en donnant au fait une inévitable publicité, les frappaient d'une sorte de réprobation universelle, et les mettaient dans l'impossibilité d'amender leur conduite. Ils ne seront plus assujettis à se présenter à des époques périodiques comme on leur en avait imposé l'obligation dans certaines villes ; il faut qu'ils soient toujours connus de l'administration, mais qu'ils restent inconnus du public.”

The means by which it was proposed to defend the public interests, are clearly intimated in the circular of the Minister of the Interior, of the 18th July 1833. He says, in regard to the supervision of the haute police,—

“Etre toujours à même de suivre silencieusement les pas du libéré, de connaître ses déplacements et sa résidence ; de surveiller avec réserve sa conduite et ses démarches.”

I have observed that it appears to have been in the interest of criminals in whom some good resolution had been formed, and who were willing to help themselves, that the amelioration of the law of 1832 had been introduced ; but we find it affirmed, on the high authority of the Commission of the Chamber of Peers, April 1844, that this class of convicts had derived no assistance. It had been an object, in consequence of the amendment to obviate,—

“Cette inévitable publicité qui éloignant d'eux le travail ; les livrant à la méfiance des maîtres et au mépris des ouvriers, aux soupçons de l'autorité et du public ; les abreuvent de honte, les devouant à toutes les misères, les rejettait tôt ou tard dans la voie du crime.”

Experience, the surest test of every thing, however, has rudely dissipated the hopes that were thus expressed and very generally entertained, and has shown that supervision even in this modified form and assumed to be carried out under the “Haute Police” in the superior manner which characterizes all the arrangements in France, was a false move.

Instead of leading to better results, it appears to have involved fresh if not increased difficulties.

The Report of the Commission of Peers affirms that :—

“La prévision de législateur a été trompée ; les conditions plus favorables faites aux libérés n'ont point adouci le sort de ceux *enclins à rentrer dans une meilleure voie*, et ils ont donné à ceux qui persistent dans leur perversité, les moyens de commettre de nouveaux crimes. Partout les agents de l'autorité signalent l'insuffisance du mode actuel de surveillance, les conseils généraux en attestant les *déplorables* résultats.

On which an eloquent writer further observes that the surveillance is,—

“ Pour les condamnés *amendes* une entrave inutile, infamante oppressive, qui éloigne d'eux la confiance, le travail, et qui les remène forcément au crime par l'abandon et la misère.”

“ Pour les incorrigés, une mesure illusoire, inefficace, laissant à leur perversité de nouvelles facilités, des désordres, et des crimes, sans offrir à la société aucune garantie quelconque de repos et de sécurité publique.”

“ Le conséquences doublement déplorables qui en résultent ne font que s'accroître de jour en jour ; et elles sont telles, en ce moment, qu'elles appellent de *prompts* et *énergiques* remèdes.”

The result is generally acknowledged to have been,—

“ 1. De donner aux condamnations subies par le libéré une publicité inévitable.

“ 2. D'entraver ses moyens de travail.”

“ 3. De le signaler à *la défiance* des maîtres et au mépris des ouvriers.”

“ 4. De le rendre *suspect* de tous les méfaits commis aux alentours qu'il habite.”

“ 5. Enfin de le rejeter, par la honte, la misère, le desespoir, dans tous les désordres du crime.”

From this statement it is perfectly obvious that, contrary to the declared intentions of the Chamber or the Government, the ameliorations in surveillance introduced in 1832 had not removed the difficulty which before existed under the system of 1810.

This is abundantly proved by the overwhelming and decisive testimony of the Conseils Généraux. It inflicts upon the unfortunate people who are exposed to it inevitable notoriety, and stamps them with infamy. “ Partout,” says a high authority, “ le libéré est repoussé et par les maîtres et par les ouvriers.”

Under such circumstances he inquires what is a liberated forçat to do? and gives the reply: “ He will not starve; he must steal.”

But this is not all. If a lenient master can be found to take a man, his fellow-workmen will turn him out when they discover that he has a brand of infamy upon him, and if both master and men concur in extending a helping hand, he is suspected, and if a crime be committed, it is the liberated convict who has done it.

“ Le libéré, says the Minister in the “ Exposé des Motifs,” “ est suspect des tous les crimes commis dans le lieu qu'il habite.”

I pause for a moment to point out how exactly all this describes the result of our little experiment in stamping a man with a “ Ticket of leave,” and how valuable the warning which the dearly purchased experience of half a century holds out.

To show the grounds upon which the strong opinions and denunciations of the system of surveillance rest, I would refer to some of the details of information to which the French Government and the Chamber had access.

The Minister of the Interior, by a circular dated the 28th of August 1842, submitted, through the Conseils Généraux, the following question having reference to the operation of the surveillance of the police over discharged convicts, in order to the consideration of measures for rendering them less dangerous. The questions were as follows:—

“1. Les modifications apportées à la *surveillance de la haute police* par la loi du 28 Avril 1832, ont-elles eu pour résultat de rendre plus facile le placement des libérés?

“2. Trouvent-ils aisément à se réplacer?

“3. La liberté plus grande dont ils jouissent depuis dix ans, est-elle un danger de plus pour la sûreté publique?”

The replies would fill many pages, and I therefore only give the conclusions that were drawn from them. It was justly remarked:—

“Les réponses de ces conseils devaient avoir une autorité toute puissante; car c'était en quelque sorte l'opinion de l'élite éclairée du pays sur les résultats d'une loi en vigueur, sous les yeux de tous, depuis quatorze ans.”

“Or ces conseils ont été (eux aussi) presque unanimes pour signaler les fâcheux résultats du système établi par la loi du 28 Avril 1832.”

“Ce système ont-ils dit doit être nécessairement et au plus vite modifié. Il est tout à la fois funeste pour les libérés, dont il entrave la régénération, et pour la société, dont il compromet gravement la sécurité.

“La surveillance est devenue pour les libérés un motif spécial de répulsion. Dans l'impossibilité absolue où ils sont de se procurer du travail, ils n'ont de refuge que le crime.”

“Du reste, la liberté de locomotion qui leur a été donnée, en facilitant leur vagabondage, est un danger imminent pour la sécurité publique.”

“Ce système, en un mot, est fâcheux sous tous les rapports; il est une grande calamité pour le pays; et, à cet regard, le mal est tel que tout moyen de le combattre ou de l'atténuer serait un véritable bienfait pour la société.”

“Telle est l'opinion arrêtée énergique unanime des autorités les plus imposantes de l'État sur les résultats de notre mode actuel de surveillance.”

“N'est-ce pas dire assez qu'il reste à faire?”

As a remedy it was proposed:—

“Pour vaincre le préjugé qui refuse aux libérés les moyens de travail, et laisser cependant à la société les garanties qui lui sont nécessaires, il y aurait peut-être avantage a *ne plus* les soumettre à la surveillance de la haute police, en leur interdisant toute fois le séjour des lieux où leur présence serait dangereuse!”

That is to abandon direct superintendence altogether, and to forbid the entry into large towns of discharged prisoners.

The first part of this remedy I have already advocated. With regard to the prohibition of certain localities there can be no doubt of its advantage; but I am not enabled to recommend any plan for carrying it into effect which can be freed from the objections which prevented such a measure being attempted when the necessity of giving up transportation to Van Diemen's Land was apparent.

Measures proposed for the Disposal of Prisoners in this Country.

Having thus far explained the circumstances connected with the system of convict discipline as first established, I will briefly notice the measures which have been more or less under consideration, with a view to regain the advantages which were lost when transportation ceased to be a regular part of the convict system, and briefly refer to the results.

The conditions affecting the 3rd period of probation are explained in a notice to prisoners. Briefly, they included, 1st, a probationary stage of discipline; 2nd, full security of employment on discharge either by the Government or in private service; 3rd, the supervision and protection of the police over convicts released on tickets-of-leave in the Colonies.

It was at first intended that no man should be released in England until employment was secured, but the effort to obtain it for them soon disclosed the difficulties, and the alternative of keeping them under lock and key to the expiration of their sentences of transportation showed the monstrous injustice of making any man's liberty or punishment to depend upon the benevolence of the public.

The idea of granting pardons on condition of leaving the country crossed the minds of many as being an effectual mode of regaining the advantages we had lost, and a very bright thought it was, but Lord Brougham, in a few sentences in the House of Lords, demolished the hopes that had arisen by describing in a vivid manner the proceedings of the French police on the arrival of the first cargo of English libérés at Calais. It became clear we could not thus spare them to our friends. Then came the notion that as thieves could only be concentrated and become dangerous in large cities and towns, the regulations applicable to the forçats in France might be advantageously enforced by excluding them therefrom.

It appeared that if such characters were released under a condition that they should only reside in the country districts, a great public good would be secured. Then arose the cry from the counties that to send London burglars and pickpockets into the quiet retreats of Herts, Berks, and Hants would not be a welcome addition to the population. In fact, the least consideration made it apparent that an endeavour to relieve any one place from convicts by converting any other place into a penal settlement for their reception would open a question at home which had been disposed of in Australia and Van Diemen's Land, by their refusing longer to submit to be made the receptacle of the off-scourings of the mother country. This determination was too strongly expressed by the whole of the colonies in reply to Earl Grey's reference on the subject in the year 1852 to allow of a hope of

then receiving assistance from the colonies, and the experience of Norfolk Island was sufficient to deter any minister from attempting to form a purely penal colony. The Government, therefore, having failed in obtaining an outlet, were in the meantime, and until a fresh opening presented itself, left to the alternative of releasing the convicts at home.

ASSUMED INCREASE OF CRIME AMONG DISCHARGED CONVICTS.

Under the general term of Ticket-of-leave men the public generally include all convicts who have been released in this country in consequence of a cessation of transportation. The consequence is, that we find the man who, by persevering good conduct and industry, has obtained a remission of a few months, and with it the opprobrium of a ticket-of-leave,—the man who through misconduct and violence has failed to obtain any remission, and is released free,—those who have served out the whole of the sentences under the Act of 1853,—convicts returned from Bermuda, Gibraltar, and Western Australia, the good and the bad, all herded in one undistinguishable mass.

As the extent of the evil entailed by the necessary measure of release at home has been exaggerated, and as the experience of 1855 and 1856 before referred to, shows that the inevitable consequence of the public mind being unduly alarmed, will be an increase of the evils which are assumed to exist, I would call particular attention to a Return inserted at p. 36.

This Return shows, first, the number and classes of crime, of which males and females on ticket-of-leave have been convicted in the eight years between the 1st of January 1854, and the 31st of December 1862, and secondly, for the purpose of comparison, the same crimes committed by the criminal classes, who circulate through Cold Bath Fields, Wakefield, and county and borough prisons generally.

It will be seen that in the eight years from the 1st of January 1854 to the 31st of December 1861, there have been released on licence 11,128 male and female convicts, that 547 or .5 per cent have been convicted of certain specified grave crimes, and 1,567 or .14 per cent. have in like manner been convicted of the lighter crimes, making altogether 2,114 convictions in eight years, or annually 264.

3rdly, it appears from the criminal Tables published by authority that during the same period of eight years, there have been convicted of similar crimes to those referred to, no less than 124,722 persons.

The per-cent-age of Crime committed by ticket-of-leave holders under each head as compared with the convictions for similar crimes by other classes of persons is as follows :—

CRIMES.	Per cent-age of Crimes committed by Persons on Tickets of Leave as compared with free Persons.
Of the total convictions for—	
1. Murder ; there have been committed by ticket of leave men - - - -	1·3 per cent.
2. Forgery and uttering forged notes, or base coin, &c., by ditto - - - -	·9 "
3. Burglary, by ditto - - - -	3·2 "
4. Robbery and highway robbery, by ditto - - - -	3·2 "
5. Cutting and wounding, by ditto - - - -	·7 "
6. Housebreaking, cattle and sheep stealing, &c., by ditto - - - -	4·2 "
7. Arson, by ditto - - - -	·7 "
8. Rape, by ditto - - - -	·2 "
9. Minor offences, by ditto - - - -	1·5 "

NOTE.—During the same period of eight years, there have been released at home on expiration of sentence, 6,164 convicts, many of them from Bermudas and Gibraltar, whose crimes are included in the general total, but cannot be separately stated.

This question, however, is quite distinct from the real points at issue—namely, the dealing more vigorously with such ticket-of-leave holders as infringe the condition of their licences, or the more important one of taking measures for regaining the advantages that we before possessed of disposing of a large proportion of our convicts by transportation.

In regard to the former, my opinion is that any man, after having been afforded a fair chance * of showing that he intends to earn his living by honest labour, should, on proof that he has entered upon crime for a livelihood, or is distinctly infringing the conditions of the licence, be again put under lock and key. It is the only effectual security for the public that I know of.

But what would be the number thus added to the criminal population as compared with "known thieves and depredators," suspected characters, &c., as reported in the Annual Statistics from the Home Office?

The total number released on licence in England and Wales has not averaged since the commencement in October 1853, more than 1,400 in a year, of whom it may be fairly assumed that, in spite of all their difficulties, about 20 in 100 as a general average may in the course of years return to the Convict Prisons. In addition to

* Which involves his not being placed under direct police supervision.

these there have been released, on termination of sentence and other grounds, an annual average of 891; making a total of about 2,300; whereas an annual average of about 123,000 have been released from county and borough prisons in England and Wales.

I give the figures for what they are worth.

The following statement also appears to be of a cheering character; it refers to the number of known male and female depredators, offenders, and suspected persons at large within the jurisdiction of each police district, and the houses they frequented during the following years:—

Years.		No. of known Depredators, &c.	No. of houses frequented by.
1859	-	135,766	26,276
1860	-	131,024	24,711
1861	-	123,049 *	23,916

It will be observed that, in spite of the large addition assumed to be made to the criminal population by the discharge of convicts, there has been a steady decrease in the known thieves, &c., at large, as well as in the dens of infamy which they frequent.

The following return, being an extract from the annual return of the number of persons taken into custody by the metropolitan police, is also interesting as showing a positive decrease in the number of prisoners recognized as having been in custody for felony more than once during the last eight years.

EXTRACT from the Annual Return of the Number of Persons taken into Custody by the Metropolitan Police.

RETURN of the Number of Persons recognized as having been in custody more than once, for Felony, during the last Eight Years.

YEARS.	Recognized as having been in cus- tody twice.	Recognized as having been in cus- tody three times.	Recognized as having been in cus- tody four times.	Recognized as having been in cus- tody five times and upwards.	General Total.
1855	582	129	30	5	746
1856	769	178	36	19	1002
1857	646	127	32	8	813
1858	713	142	43	20	918
1859	479	103	30	5	617
1860	468	103	13	1	585
1861	454	79	6	3	542
1862	469	60	6	6	541
Total for } 8 years }	4580	921	196	67	5764

* This decrease is explained thus:—partly the result of the omission of a certain class, which was previously included.

I would also direct attention to the return, p. 9, which shows, as far as can be ascertained—

From January 1854 to 31st December 1861, 11,128 licences had been issued, and from the Register kept at the Home Office, it is found that only 547 of these licence holders have been reconvicted for offences of a *serious character*; and, on reference to the Criminal Tables issued from the Home Office, it will be found that 20,796 males and females have been convicted for similar offences as the above 547, showing that only 2·6 per cent. of those crimes have been committed by licence holders. Again, in respect to the convictions of licence holders for all classes of offences, as compared with the committal of prisoners for the same offences, during the same period, the following figures may be taken as an approximation:—

Convicted licence holders for the lighter offences	-	1,567
For graver offences, as above	-	547
	Total	- 2,114

Total males and females convicted in England and Wales during the same period (omitting Scotland) - 124,722

The ratio will thus be, 1·6 per cent. only for ticket-of-leave holders, as compared with the whole number who have been convicted for the various offences.

PAYMENT OF GRATUITIES.

In the Appendix I have annexed a nominal list of convicts discharged on licence into the metropolitan districts who have been paid their gratuities through the police, after fully establishing their claims by showing that they were earning an honest livelihood, together with a corresponding return of an equal number from Ireland.

I give also the following return to the Home Office of the total number paid by the police, showing that out of 228 convicts only 11 had failed to establish their claims to the satisfaction of the officer of police whose duty it was to make inquiry into their respective cases.

H.

Metropolitan Police.

RETURN of the Number of Convicts on Ticket-of-Leave who received Gratuities from 1857 to 31st December 1862 inclusive, showing the amount of Gratuities paid:—

Date.	No. of Convicts who re- ceived Gratuities.	Amount of Gratuities paid. <i>£. s. d.</i>
From Feb. 1857 to 2 March 1858	- 100 -	- 367 4 5
" 1 Apr. 1858 , 31 Dec. 1861	- 60 -	- 230 11 10
" 1 Jan. 1862 , 31 Dec. 1862	- 57 -	- 240 4 3
Total -	- 217 -	- 838 0 6

Metropolitan Police Office,
27th February 1863.

JOHN SEARLE,
Inspector.

I.

Metropolitan Police.

RETURN of the Number of Convicts on Ticket-of-Leave who were not paid Gratuities since February 1857 to 23rd February 1863 :—

Date.	No. of Convicts who were not paid Gratuities.	Amount of Gratuities not paid. <i>£ s. d.</i>
From Feb. 1857 to 23rd Feb. 1863	- 11 -	- 31 17 10
Total	- <u>11</u> -	- <u>31 17 10</u>

On examination of the returns Appendix XLIX, it will be seen that this plan of payment through the police has afforded the most satisfactory evidence of the industry and honesty of 95 per cent. of those whose cases have been inquired into in the very heart of London, where a discharged prisoner is exposed to the greatest difficulties and temptations.

In making a comparison with the corresponding return from Ireland, it will appear that, in consequence of the gratuities being paid on discharge (probably to assist in emigration) or within a very short period indeed, no such test as a period of probation is secured.

Whilst a certain degree of control is thus exercised, the risks which are to be apprehended from constant supervision by the police are greatly diminished, but the payment of gratuities by a friendly agency attached to the Convict Department would secure a far greater amount of superintendence and be attended with additional advantages.

DIET ESTABLISHED IN CONVICT PRISONS.

As the question of the diet allowed the convicts is frequently discussed, I annexed in the Appendix to my last Report, dated 1862, (pp. 86 to 99) the correspondence which occurred in reference to the quality and to the quantity of the ingredients, and the circumstances by which the question must be determined.

A perusal of these documents by any one interested in the question will show that the subject was very carefully considered at Millbank by the late lamented Dr. Baly, and at Pentonville by Dr. Owen Rees, acting under Sir B. Brodie and Dr. Fergusson, two of the Commissioners.

It will further appear that the attempt to lower the scale at Wakefield was attended with disastrous consequences, and that the Portland diet was only augmented after full experience of the insufficiency of that which had been at first established. The amount of diet to be used in prisons is altogether a medical question.

I have observed in a former report that as regards establishing a scale of diet which shall be sufficient for all, it is to be borne in mind that the scale must be uniform, though appetites among a large number will differ very materially.

If the exceptional cases to be provided for by increase of diet on medical grounds were very numerous, application for an increase would soon become the rule instead of the exception, and confusion and a great amount of dissatisfaction and punishment would be the result.

Many circumstances require a careful consideration before the responsibility of fixing a proper scale can be determined upon. A careful perusal of the report of Dr. Guy, the visiting physician of Millbank, which is given in the Appendix (Appendix G. page lxi.) and of the documents relating to the diet at Portland, (given in my last Report) will confirm his opinion.

Diet in the Hulks in 1788.

At a period when ordinary prisons were in a most terrible state of demoralization, we should scarcely be prepared to learn that the physical comforts, so far as diet was concerned, were so fully attended to. The following is the account given of the diet at the Hulks in 1788 by Howard in his account of prisoners, &c.:

A TABLE of DIET at PORTSMOUTH for CONVICTS on board the JUSTICIA HULK.

Each Mess is for 6 men with 7lbs. of Bread daily.

Breakfast.

A pint of barley or rice made into 3 quarts of soup.

Dinner.

Sunday - - -	{ 6 lbs. of salt pork or 7 lbs. of beef with 5 quarts of beer.
Monday - - -	
Wednesday - - -	{ 6 lbs. of bullock's head.
Friday - - -	
Tuesday - - -	
Thursday - - -	{ 2 lbs. of cheese and 5 quarts of beer.
Saturday - - -	

Supper.

Monday - - -	{ A pint of pease and barley made into 3
Wednesday - - -	quarts of soup.
Friday - - -	

Remaining days - A pint of oatmeal made into burgoo.

At this period it appears that labour was not compulsory on convicts in the hulks, and that when they volunteered to work, they received in addition what was termed the "King's allowance," in extra diet and extra beer. They were probably cheated out of as much as the keepers dared to defraud them of, but this was the recognized diet.

COMFORTS IN PRISONS.

Extract from Report of 1852.

A cursory inspection of the convict prisons might lead any one to the conclusion that a prisoner is better fed, clothed, and lodged than many an honest man who is struggling against the hardships that poverty entails upon him. No one, however, will be prepared to argue that, in this country, any convict, no matter what may have been his crime, should be locked up for a long period, and deprived of what may be necessary for his health and cleanliness. Still less would it be contended that, in any sound system of discipline, the reformation of the man should be disconnected from the punishment due to crime. Under any circumstances, however, there is another side to this picture of comforts afforded to a prisoner.

The enforcement of cleanliness and regularity on the dissolute and reckless characters which form the bulk of a prison population, is not only essential as a means of reformation, but it may fairly be taken as a *wholesome and legitimate element of punishment*.

In this double character all the attractive appearances of cleanliness and good order in prisons may be safely viewed. They are not the result of any undue desire to administer to the *comfort* of a prisoner, but the whole bearing of the daily routine by which they are secured, is calculated to *thwart the natural tastes and habits* of most criminals, and to *direct them into new and improved channels*.

During the earlier period of the process, they doubtless add indirectly to the punishment, but when a prisoner appreciates them as conducive to his comfort, he is likely to profit by the instruction he has received.

The recruit does not enjoy either his days of drill, or the enforced precision of military discipline; but it soon ceases to be irksome, and in after life, he never loses the advantages it has secured to him.

Mr. Frederick Hill, late Inspector of Prisons for Scotland, alludes to the subject in his Report for 1844. Speaking of the general opinion that prisons are attractive, he says:—

“ But let the visitor reflect that, first, as respects the honest workman, the prisoner has entirely lost his freedom, and ceased to be his own master; that he is not only cut off from family and friends, but that, generally, he is deprived of companionship altogether; that he must neither whistle, sing, nor shout; that day after day, and month after month, except at the intervals of exercise, he is confined within the four walls of his little cell, Sundays and holidays affording no relief, the very changes of the season almost unknown to him—for all, at least, that he can partake of their charms—let him think of this, and he will probably be of opinion that, though the prisoners were fed on turtle, instead of barley broth, and slept on down, instead of straw, there would still be few applicants, among the honest working class, for permission to occupy their places.

“ And let the visitor, further, make himself acquainted with the habits of criminals, and with their ideas of comfort and luxury, and

he will probably come to the conclusion that their distress must indeed be severe, and such as to make their being at large dangerous to all around them, before such persons would voluntarily enter a prison.

"For what, owing generally to wretched training, are the habits of criminals? Idleness, late rising, indulgence in drinking, smoking, and gambling. And what regard is paid to these habits, however strong they may be, on entering a prison? Not the slightest. However great a sluggard, he must rise, the very morning after his admission—even in the middle of winter—when the clock strikes five. Then, although he would probably prefer remaining in his dirt to the trouble of making himself clean, he must immediately wash himself, and that thoroughly. Between times he may wish to comfort himself with a pipe, or at least with a pinch of snuff; but, no! the rules inexorably and most properly forbid all luxuries, especially such as foster habits of expense. At dinner, he may ask at least for a little beer; but he is again refused, and he finds that, however much against his will, he has suddenly become a member of a total abstinence society. As for opportunities of gambling, he has neither anything to stake, nor any person with whom to play.

"When it is considered how painful an effort is generally necessary to break through a single bad habit, it may be judged how much a person, under such circumstances, must suffer; and it will be seen that that which is pleasing to the eye of the visitor, and excellent in itself, is often obtained with much, though necessary pain; and the delusion will be dispelled that the prisons have ceased to be places of punishment."

VIEWS OF HOWARD AND OTHER EMINENT MEN ON THE TREATMENT OF CRIMINALS.

AT a time when the subject of criminal administration is the subject of so much anxious thought and deliberation, from one end of the kingdom to the other, it will not be uninteresting to look back a little to the wisdom of our ancestors, and ascertain their views.

I have shown in former reports on the management of county and borough prisons, that in establishing separate confinement, we have not advanced a single step either in discipline or construction, beyond the views which were entertained 70 or 80 years ago.

Howard, writing in 1789, says that the Act of 1788, for establishing separate confinement, was drawn up by Judge Blackstone and Sir George Onesiphorus Paul, "two of the wisest men the kingdom has produced, and was a work of long and continued labour and inquiry." He goes on to say, in regard to the application of this kind of discipline, that to these penitentiary houses, "I should wish that none but old hardened offenders, and those who have, as the law now stands, forfeited their lives by robbery, housebreaking, and similar crimes, should be committed." And further, "I have not considered this scheme superficially, though I can bear being told it is absurd." Many have been reclaimed, and made useful

members of society in foreign houses of correction, and have thanked God for their confinement in them. These houses in Holland are called "bettering houses." The settled object should be to make men better, or, at least, more useful subjects.

He speaks of the plan as being worthy of the great Sir William Blackstone, a man of such vast extent of capacity as to have comprehended in one enlarged view the whole fabric of our laws, and who possessed what is rarely united to great abilities, constancy to execute his immortal work; and that his dying words to one who took a deep interest in establishing prisons on this plan, "Be firm in your own opinion," seemed to him "a most important direction for one's conduct."

Of discipline and its results, he says,—

"The decency, regularity, and order that I observed in the houses of correction in Holland, Hamburg, Ghent, Berne, and Florence, I am fully persuaded proceeded, in a great degree, from the constant attention that is paid to impress the prisoners with a sense of religion."

We have too much adopted the gothic mode of correction, viz., by rigorous severity, which often *hardens* the heart, while many foreigners pursue the more rational course of softening the mind, in order to its amendment.

Speaking of convict labour, he says, it was a maxim of Howard's that Men ought always to be treated by Men as Men, and stated,—

"How could it be expected, that men who labour involuntarily, and with small encouragement, should exert themselves with as much spirit as those, who have the pleasing idea of a wife and children to share their gains."

In respect to inducements and rewards, Howard recommends,

1. Shortening the terms of confinement. Work lighter, or more agreeable. Better provisions. Degree of liberty allowed.
2. Prospect of work on discharge.
3. Advance to a higher class. Money and clothes on discharge. Money at the end of one year, and two years after discharge.

In reviewing these outlines of the opinion of one of the most wise and benevolent of men, it is most satisfactory to see that the plans in operation at this moment embody every principle he had laid down, and, with the exception of separate confinement, have been determined by common sense and experience, rather than the endeavour to work out any particular theory. The failure which is now apparent in Ireland, is to be attributed to the contrary process of working out a theory against received opinions and experience. The popularity it has attained in public opinion is to be traced to earnest and very able advocacy of that theory, and to the progress of the experiment not having been watched and investigated in such a manner as to show either the limited extent to which it has been carried, or its real operation.

**DIFFICULTIES WHICH OCCUR IN THE ADMINISTRATION OF
CONVICT DISCIPLINE—ENGLAND.**

Among the difficulties of managing a large body of men is the one arising from the sense of injustice which prevails, owing to the inequality of the sentences passed in different courts for similar offences. It is, of course, impossible to fetter the decision of the judge within the limits of the sentence which may be passed for any particular crime, and under the discipline of separate confinement the inequalities are not known, and excepting individually, have no prejudicial consequences. On public works it is very different; men have the opportunity of comparing their crimes and the sentences awarded, and thus form their own conclusions.

Under the law, where the sentences are simple imprisonment, the discretionary power is more limited, and even when it ranged from seven to ten years' transportation, the difference in time was unimportant, as it was passed with a ticket-of-leave, which conferred all the advantages of freedom in a distant colony.

The case is now widely different, and a diversity in the views and practice of the judges falls heavily or lightly, as the case may be, upon the criminal, causing a sense of grievance on the part of many, leading to recklessness and insubordination.

The 2nd clause in the Act of 1857 (20 & 21 Vict. cap. 3), to which I would refer, is as follows:—

“After the commencement of this Act, no person shall be sentenced to transportation, and any person who, if this Act and the said Act had not been passed, might have been sentenced to transportation, shall, after the commencement of this Act, be liable to be sentenced to be kept in penal servitude for a term of the same duration as the term of transportation to which such person would have been liable if the said Act and this Act had not been passed.”

* * * * *

“And in every case in which, before the passing of the said Act, sentence of seven years' transportation might have been passed, it shall be lawful for the court in its discretion to pass a sentence of penal servitude of not less than three years.”

Now supposing two prisoners to have committed similar crimes, and to be tried before two judges having different opinions as to whether it be right to pass the exact sentence which, in his judgment, shall be due to the crime, or whether he shall act upon the view of the Select Committee of the House of Commons and pass a sentence “which, besides a fixed period of imprisonment, shall include a further period capable of being abridged by the good conduct of the convict himself.”

One judge may pass the sentence of three years, of which, under the regulations laid down by the Secretary of State, two and a half years must be served out, and the other may pass a sentence of seven years, of which, under the same regulations, five years and a quarter must be served out. The difference to the two individual prisoners is that the one receives more than double the punishment of the other. This is not endured by a prisoner with-

out a sense of injustice, which is likely enough to render him a reckless and insubordinate man during his imprisonment, and a dangerous character when at large during the remainder of his life.

This is one of the difficulties which have to be met, and which it would be well to remove, if it can be done, without unduly interfering with the discretionary power of the judge.

Another very serious difficulty, is that by the operation of the second clause of the Act of 1857, sentences of three years, reducible by good conduct to two and a half years, and of four years reducible to three and a quarter, form the majority in the English convict prisons, and these short terms are necessarily carried out under a system of discipline expressly designed *as a probationary period in connexion with transportation*, a system of discipline in which, as I have explained in former reports, reliance was largely placed upon the deterring influence of a lengthened term of reformatory discipline with a view to ultimate removal to a distant colony.

The Act of 1857, as explained by Sir George Grey, empowers the Government to remove convicts to any colony, there to be dealt with in all respects as if they had been sentenced to transportation. Hence, as the Secretary of State might at any time have acted upon this if fresh openings for the disposal of convicts by transportation had occurred, and as the duration of the sentences might at any time have been lengthened by the judges, it would not have been prudent at once to alter the nature of discipline for the purpose of meeting a state of things which might prove to be exceptional; especially as such alterations act injuriously on the criminal population by unsettling the character of the punishment, and are therefore always to be deprecated, unless there is a hope that they may be permanent.

Owing to the shortening of the sentences, and to the development of convict labour at Portland, Portsmouth, Chatham, Bermuda, and Gibraltar, requiring a certain strength to be kept up, in order to complete works undertaken by the Admiralty and War Department, also to the refusal of Western Australia to take any Irish convicts, and the refusal of the Irish Government to take their share in sending any to replace vacancies at Bermuda; further, owing to Western Australia stipulating that none but the best men should be sent, and to convicts sentenced to penal servitude between 1853 and 1857 not being liable to be transported, there were not, for some years, a sufficient number of convicts for transportation.

Of all the difficulties, however, the one that has been most keenly felt has arisen from the discouragement to exertion on the part of officers, and to amendment on the part of the convicts from the efforts which have been made to establish the fact that

the reformation of convicts is hopeless, and that the administration of the English system has been a failure. These efforts have been steadily persevered in for some years, by the advocates of what is termed the "Irish system," the results of which have been repeatedly declared on the highest authority, and asserted to have been attended with the most marvellous success. It is, of course, of importance that all officers should have confidence in any plans they are called upon to carry out, and I probably ought sooner to have taken decided measures with a view to remove the misapprehension which has prevailed.

As a public officer I have, however, felt a delicacy in combating these statements, and have hitherto confined myself to an explanation of the reasons, which have led me to recommend that the adoption into Ireland of the intermediate system, and supervision of police from our colonial stages should not be extended to the country. These were given at length in my Report for 1857, and in a Memorandum for 1861.

The assumption of entire failure, has, in another way, operated seriously against success by rendering it far more difficult for a discharged convict to obtain employment, on which, as already explained, success mainly depends. The result of the discipline in the convict prisons as shown by relapses has, therefore, to a certain extent been determined by the activity displayed in depreciating the English discipline, and to this extent we have been at the mercy of others.

OBSERVATIONS on the PAMPHLET published by the Four Justices of Wakefield.

I feel called upon specially to notice a publication by four of the Visiting Justices of Wakefield Prison, by which they have succeeded in creating an unfavourable impression of the working and results of the established system of convict management in this country. The official position occupied by these gentlemen, who have been entrusted by the Secretary of State with the superintendence of about 400 convicts, undergoing separate confinement in cells visited by the Justices for the West Riding of Yorkshire, has given an importance to their statements which renders necessary some inquiries into the data and evidence on which the opinions they have promulgated are grounded. This is the more necessary as the same system worked out in Ireland is brought into favourable contrast by friendly advocates.

REMARKS ON PAMPHLET REFERRED TO.

It is to be feared that this publication, having the prestige of official sanction, has caused a certain amount of temporary misapprehension, but there will be no difficulty in showing that the writers have suffered themselves to be betrayed into serious errors.

A few extracts from the Pamphlet, with some passing remarks, may throw a light on several of the important subjects which they profess to discuss.

In describing the Convict Prisons of Ireland, the Visiting Justices commence very properly with Mountjoy, which corresponds with Pentonville and Wakefield.

At page 3 they say:—

“ Idleness and dislike of steady work are probably the most universal characteristics of the criminal class. We in *England* have sought to correct that evil by making labour as *penal* as possible by the *treadmill* and the *crank*, the most irksome and most painful forms of work. Even where those have been discarded we have sought to *exact labour* merely by the fear of *punishment*, and as in itself a punishment, and so have associated it in the prisoners' minds with ideas the most disagreeable to them.”

They then go on to state, “the Directors of the Irish Convict Prisons have adopted the opposite plan ; they have made idleness penal, working a privilege.”

The inference of course, is, that the English Directors have pursued the opposite and coercive course which has been indicated.

As these gentlemen have been officially placed in a position for superintending separate confinement on the Pentonville system as administered at Wakefield, it might be expected they should have been aware that work has ever been considered in that system as a privilege and means of industrial training. No form of penal labour is ever resorted to but in exceptional cases, or as a punishment for a prison offence, nor has such labour ever had a place in convict discipline from the very commencement of the system.

The principle of industrial training to be carried out in separate confinement is laid down by the Commissioners of Pentonville. They observe, in their Report for 1843,—

“ A trade is given to prisoners to improve their moral and intellectual condition, and to form permanent habits of industry. The prisoner's mind is thus brought into exercise, as well as his body. He becomes interested in his occupation, pursues it with eagerness, and finds it a solace and a resource as well as a duty.”

From the day when a prisoner enters Pentonville Prison (and if it is not the same at Wakefield the responsibility of its omission is with the Local Authorities,) every effort is made, both by religious and moral instruction and industrial training, to raise the character of the prisoner.

Separation for nine months, with the prospect of years of confinement on public works, is quite enough punishment, and has a sufficiently depressing influence, without resorting to such a description of penal labour as is only appropriate for very short periods of imprisonment. I forbear to make further comment on the unfair way in which the subject is adverted to, though it is a point of importance, and any one reading the work could not fail to derive an erroneous, and perhaps an unfavourable impression. I pass, therefore to the details of discipline which appear to meet

with the approval of the Visiting Justices, as being better calculated for promoting the reformation of the prisoners.

It would appear from their account that the female prisoners whom they are describing at Mountjoy pass four months in the strict seclusion of their cells *without being furnished with work*; that the want of work is so severe a punishment, that were it continued too long the mind would often give way under it; "that 'the period of four months may be extended, unless medical reasons require it to be shortened,'" &c.

They state that,—

"During this time the prisoner is kept in the strictest separate confinement on the lowest diet consistent with the maintenance of health, no animal food being allowed."

If this be so, it must be admitted that such a mode of commencing a course of reformatory discipline in separate confinement unquestionably the most favourable period for making a good impression) is, as compared with Pentonville, a striking novelty; but if it be held up as an improvement, the inexpediency of adopting such a change may be judged of from the following considerations:—

1st, solitary confinement *cannot be legally enforced for more than three months in any one year*, nor for more than 28 days at any one time.

By the 2 & 3 Vict. cap. 56, under which alone the separate confinement of prisoners for unlimited periods is lawful in this country, the following restrictions, among others, are distinctly specified:

"That every prisoner so separately confined shall be furnished with Sec. 4. the means of moral and religious instruction, and with suitable books to be chosen as hereafter provided, and also with *labour or employment*."

But *separate confinement without employment* runs closely upon solitary confinement, and thus becomes an oppressive punishment, so foreign to the whole spirit in which separate confinement is enforced as an integral portion of convict discipline, that it is a matter of surprise that such a deviation was not earnestly protested against.

It will be a relief to anyone who reflects upon the subject to receive an assurance that, in regard to work, the Directors in Ireland do not keep the women for a single day without it, they are put to coarse sewing immediately on reception, exactly as they are at Millbank. The Justices, therefore, cannot have made due inquiry, or have been misled.

In regard to the low diet, prisoners not having meat may sound to English ears very like a punishment, but it should be remembered that very few of the lower classes in Ireland are accustomed to meat, and will therefore thrive without it when an English prisoner would sink under the privation.

There is no fact in medical science connected with penal administration more clearly established than that in carrying out long

periods of confinement in separation, a somewhat full and sufficient diet should be given from the very first day of imprisonment. In regard to diet, experience has demonstrated the difficulty of contending against the depressing influences peculiar to imprisonment when combined with a depressed state of physical condition resulting from the want of a full diet.

If the diet in the Irish prisons were not full and sufficient, even without meat, the health of the prisoners would break down.*

RECORDS OF CONDUCT, &c.

When inquirers, full of benevolence or of their own theories or objects, look into the Irish system, they find the principles, the objects, and almost the entire details of the system *identical* with the English,—that the results are rendered uncertain in Ireland by a variety of causes, preventing the possibility of a comparison,† or, if appearances are favourable for Ireland, the information afforded in the reports of the Directors is too scanty to afford the means of coming to any conclusion; hence a difficulty in refuting an alleged distinction when there is but little difference.

One instance of the creation of a *distinction without a difference* is shown in a laboured attempt on the part of the four Visiting Justices to prove that the way in which the English and Irish Directors deal with the remissions which they have the power to recommend as a reward for good conduct and industry is entirely different in principle. These remissions are the most powerful incentives to the formation of habits of order and industry, &c., and generally for securing the objects of the discipline, and the Justices have rightly judged that a difference on so vital a point would be a matter of great importance.

Now how does this question stand? Where is the distinction and where the difference?

It is stated, that:—

P. 66. "Observations." "In England the authorities act as if the convict's real sentence were not that which was pronounced upon him by the Court which tried him, but a sentence for that shorter period which remains after deducting the portion allowed by the regulations to be remitted in case of *continued good conduct*." "Hence," they go on to say, "discharge at the expiration of the shorter period comes to be regarded as a matter of right, only to be forfeited, to a certain extent, by absolutely bad conduct; and any prolongation of that shorter period becomes a positive punishment."

P. 68. "In Ireland, on the other hand, the original judicial sentence is treated as the real sentence, which, presumptively, the convict is to administer more clearly established than that in carrying out long

* The Governor of Wakefield was aware, even if the Visiting Justices were in ignorance, that an experiment on a lower diet than Pentonville was tried at Wakefield in 1849, against the opinion of the authorities, and that the results were most disastrous. See Correspondence, Appendix, p. 88 of my last Report, dated 1862.

† See Paper by Mr. Burt, read at the meeting of the Social Science Association, 1862, Appendix, p. 103 of my last Report, dated 1862.

serve out to the full, unless by positively good conduct he can obtain some remission."

In the endeavour to explain the subject, I would state that in England as in Ireland we take means which, in the opinion of those most competent to advise, will most clearly show what actual amount of good conduct and industry is displayed by the convict struggling hard to obtain the coveted prize.

The mode of recording the opinion of the officers in the Irish prisons by marks* expressing the value of the letters which are adopted from the English plans is thus described:—

"The assignment of marks each month depends upon the judgment of the officers in whose immediate charge the prisoner is placed. But that judgment must be recorded *within the month* while the facts are fresh in the recollection of every one concerned.† When it is recorded it stands good for him as well as against him. *Good conduct thus recorded becomes to him a possession of which a certain stock ensures certain privileges.* Not only actual misconduct, but any falling short of doing his best entails upon him a sensible loss."

* * * *

"Punishment can only deal with overt acts, but the remission of a portion of the sentence of imprisonment and the mitigation of its severity being matters of favour, may fairly be made to depend upon an *estimate* not only of the prisoner's acts, but also of *his will* and intentions."

On this point of estimating the will and intentions of a prisoner I would ask is an officer in the face of an ascertained *fact*, to assume omniscience, and say that man in his secret heart is a hypocrite and the other man is sincere, the former therefore must not have his daily or weekly credit for good conduct and industry and the latter must have it? On such a question as this there may be an opening for any amount of special pleading on the theory of acting upon opinions, but in the management of men strict justice is required, and such questions as these must be decided by evidence of common sense and not of opinions, and therefore were the officers in Ireland, in their award of remission, to act upon the latter principle, its prejudicial effects would be immediately apparent in a disorganized state of discipline. But they do no such thing; every officer to whom I referred the question in Ireland denied, in the most emphatic manner, that the principle of acting upon *opinions* in the face of *overt acts* of good conduct and industry was ever brought into operation. There appeared to me no difference at all in the principle carried out in both countries, of estimating conduct and industry.

Upon this question I would, however, further observe that the theory of remission and of the successive stages which lead up to it were laid down by the present Lord Derby and Sir James Graham in 1842. It was held to be essential in any system of discipline designed to have a reformatory effect, that the hope of

* The system adopted in Western Australia is given in Appendix, p. 100 of my last Report, 1862.

† This in England is done every day, summed up, and carefully recorded in a general register every week.

ameliorating his condition by *good conduct and industry should ever be present to the mind of a convict*, and this theory was fully carried out in the scheme of discipline which they proposed, the principle of which is in operation at this moment.

The resolutions of the Select Committee of the House of Commons (1856), for promoting these objects and regulating the remission of sentence under the altered conditions of the majority of convicts being released in this country were as follows :—

“ 5th. That every punishment by penal servitude should include, first, a certain fixed period of imprisonment, to be undergone at all events ;” (that is to say the sentence properly due to the offence) and, “ secondly, a further period, which should be capable of being *abridged by the good conduct of the convict himself*.”

The extent of the remissions which the Directors have the power of recommending is laid down in Sir George Grey’s circular to the chairmen of quarter sessions, and varies from one-sixth to one-fifth and one-fourth on sentences from 3 to 14 years, and on sentences of 15 years and upwards it is one-third. This is explained to convicts in a notice as follows :—

“ 1. The sentences under the Act of 1857, have been passed with a view to certain fixed terms of imprisonment and hard labour being in all cases inflicted ; at the same time allowing a convict, by good conduct, to render himself eligible for a remission of the remainder.”

In giving effect to this in such a way as to afford a constant stimulus to good conduct and industry, a *daily record* is made. Subjoined is the form in use by the warders in charge of parties on public works, the conduct also being recorded by the letters V.G., G., O., &c., meaning *very good, good, ordinary, &c.*

These are the instructions under which the Directors in England act, and on which the convict grounds his expectations ; and the following forms will show how closely the particulars are attended to :—

DAILY RECORD.*

Form 129

PRISONERS’ INDUSTRY ROLL.

No.	Party.	Officer in Charge						
Register.	NAMES.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	REMARKS.
								Transferred every week into a general register.

* Transferred weekly and monthly to other Forms.

At the Refuge, Fulham, the following is the daily and weekly record of conduct, industry, and the amount of gratuity:—

DAILY RECORD.

Month.		NAME.	CONDUCT.	DAILY GRATUITY.	INDUSTRY.
Date.	Register No.		Very Good.	DAILY GRATUITY.	INDUSTRY.
			Good.	Very	Very
			Indifferent.	Industrious.	Industrious.
			Bad.	Idle.	Idle.
			Very Bad.	DAILY GRATUITY.	DAILY GRATUITY.

WEEKLY RECORD.

Date.	Register No.	NAME.	Weeks of Quarter,	Very Good.	Good.	Indifferent.	Bad.	Very Bad.	Very Industrious.	Industrious.	Idle.	Weekly Gratuity.	Special Remarks.
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These forms, combined with the regulations for working them, are considered by the most experienced officers to afford a record of all the information that is really necessary for determining the promotion and advancement of a prisoner through the different stages, and for calculating remission.

Every prisoner is thus thrown upon his or her own resources. They know that classification, promotion to the different stages, amount of gratuity, and final remission of sentence, all depend upon conduct and industry. What more is wanted? If the limit of useful effect be attained all beyond is superfluous and to be studiously avoided by officers whose time is otherwise fully occupied.

In Western Australia these records by letters are rendered somewhat more precise by annexing to them a scale of marks; V. G. three marks; G. two marks; and this it is which appears to have been adopted in Ireland. In principle, the mode of keeping the record differs in no respect. The letters were adopted when first Portland was opened, and have been persevered in ever since.

Mixed Sentences and Remissions.

It must be remembered, that whether the principle be right or wrong, the sentences have been passed with the express object of stimulating a prisoner to gain credit by good conduct and industry day by day and week by week towards a remission of the additional term which it is assumed, in conformity with the provisions of the Act of 1857, has been added to his sentence.

The convict knows that every day on which he gains a good mark for conduct and another for industry, he has gained with it a remission of so many *hours* of his sentence, every month he has gained so many days, and so on ; it becomes to him as the Visiting Justices observe of the Irish prisons, "a possession of which a certain stock ensures certain privileges."

It is quite true that a man may gain these marks by good conduct and industry who may yet be believed by the Chaplain to be a hypocrite or by the officers to be a bad character; but suppose that man to be the best conducted and the most industrious man of a working party, is the simple *opinion* of the Chaplain or the Governor or the warder under whom he works, to deprive him of what he has hardly earned by a degree of forbearance well calculated to form the basis of improved habits? Could strict justice be done and favouritism be avoided or any thing in the shape of discipline be carried on if such a principle were introduced?

In the great experiment on separate confinement at Pentonville, an endeavour was made by the Commissioners to bring to bear the concurrent testimony of the Governor and Chaplain, in determining the fate of each prisoner. It was found to be impossible even when the superior officers alone were responsible, and it has since been practically abandoned, but not before there arose the cry that prevails to this day, that a convict has only to beguile the Chaplain to obtain his release. If this difficulty occurred in separate confinement, what would be the result on Public Works where prisoners would have the opportunity of seeing that a different measure was applied to every prisoner, not according to his conduct and industry, but depending upon his securing the favourable opinion of his officer? It would be fatal to discipline as a test of character, and delusive to the public, if it were asserted to be so.

No such principle is admitted in the Convict Prisons in England. It would be to deprive the remission of all its value, and to place a man's fate not in his own hands, but in those of an officer who might or might not deal fairly by him.

If a certain prospect has been put before a man, and he fairly earns what he has been led to expect by conforming to the conditions, whatever may be the apparent disadvantages, faith must be kept with him. There can be no question that the general result is all the more favourable for acting steadily on this principle.

A general withdrawal of the privileges from particular classes of prisoners, such as the re-convicted, or those whose crimes might be marked with particular atrocity, and placing them on the footing of life sentences, which are reserved for the decision of the Secretary of State, is the best practical way of dealing with exceptional cases; but they should enter upon their sentences on that understanding, and not have the promise of a remission on good conduct which it was not intended to grant.

Value of Labour.

Speaking of the Protestant refuge for female convicts in Heytesbury Street, the four Justices observe,—

"That under these circumstances, women, and those women convicts, should be found to work as hard for the benefit of the institution in which they are detained as they would for themselves out of doors, appears to us a result of very high import in a moral as well as a financial point of view. It shows that an influence unknown on this side the Channel has been brought to bear on the correction of that fault which is the special characteristic of the criminal class, viz., dislike of hard work."

"We have yet, therefore, to look on this side the Channel for any parallel to the labour of the poor women in the Dublin Protestant Refuge."*

The following washing account at Fulham Refuge may be taken in evidence of both industry and value of labour:—

	1862.	<i>f s. d.</i>
Private washing	41,004 doz. and 7, at 1 <i>s.</i>	2,050 4 7
Establishment -	15,050 " 8, "	752 10 8
		<hr/>
		2,802 15 3
Materials used—soap, coal, &c.	£601 18 11	
Carriage of linen - - -	109 16 6	<hr/>
		711 15 5 <i>1/2</i>
		<hr/>
		£2,090 19 10
Actual cash paid into the exchequer - - -	£1,539 2 0	
Outstanding debts to be paid - - -	142 1 3	<hr/>
Total - - -	£1,681 3 3	<hr/>

Average earnings of each woman employed in the laundry,
23*l.* 4*s.* 7*1/4**d.*

Further, the Justices go on to say, that the only true test of the value of work is what an independent customer will pay for it, and observe in reference to Wakefield, that "tried by this test, we believe the earnings of the prisoners exceed those in any other English prison, but the highest yearly average has been 8*l.* 15*s.* 10*d.* in the Convict, and 6*l.* 1*s.* 2*d.* in the West Riding department," &c.

These statements will be regarded with some degree of scepticism when it is known that this quotation of 8*l.* 15*s.* 10*d.*, refers to a year which in a very marked manner is exceptional. For years past the average has not been one half this amount. The comparison, too, is made, not with Convict Prisons, but with county prisons, where the labour in many cases is purposely made *penal*,

* The gentlemen who have expressed this opinion had before the publication of that passage an opportunity of inspecting the laundry work and accounts of the Refuge at Fulham, and of not only seeing the greatest industry, but of ascertaining that the actual receipts in money (see Return above) exceeded the amount earned by women in any other establishment in the kingdom, and paid into the Exchequer.

and remuneration is a secondary object, the real gain being found in the deterring effects of severe discipline.

As regards the industry of the prisoners, I give the following extract from Report by Capt. Knight, who succeeded Capt. Whitty as Governor of Portland, and who was Capt. Whitty's predecessor as Director of Prisons in Ireland. He states in his Report for 1851 :—

"It is impossible, I think, that any person can visit the works at Portland prison, and watch attentively the prisoners employed thereon, without being much struck with their willing and cheerful industry.

"I have no hesitation in asserting, that if the amount of work performed by an equal number of good and efficient free labourers is, this fact is mainly attributable to their inexperience, and not to any idleness or unwillingness on their part. I have frequently watched the working parties, from positions in which I could not have been seen by them, and I have seldom seen a greater amount of industry or willingness displayed by men whose livelihood depended upon their exertions."

In connexion with this subject, the Visiting Justices step out of their way to impugn the accuracy of the statements of the officers of Public Works Prisons respecting the value of work at Portland and elsewhere.

They say :—

"We have learnt to regard with extreme scepticism statements of prisoners' earnings which are founded on any *estimated value* assigned to their work, or which are merely matter of account between one government department and another."

This observation might apply to Spike Island, where no record whatever of the *amount* of work executed by the convicts in quarrying, &c. is kept, and where all difficulty is avoided by affixing the daily wages of labour out of doors to the convict labour of the prison, but it does not apply to Public Works in England, where the most accurate and detailed account is kept of all *quantities*, and the contract prices of similar work is affixed.* By these means every statement of the value of labour can be tested by any practical man at sight. If my instructions have been carried out, the prices are the nearest approximation that can be obtained.

The independent testimony of Mr. Evans, who was selected by the Royal Commissioners to inquire into the question, will perhaps be accepted as better evidence than the Justices', who had never taken the trouble to visit either Portland or Spike Island.

INTERMEDIATE STAGE

Speaking of the convicts in the intermediate stage of discipline at Lusk, the Visiting Justices observe :—

P. 38. "Neither in dress nor appearance were they distinguishable from ordinary labourers, except, perhaps, as having a somewhat more subdued and staid demeanour, and it is said that the warders work with them."

* See respective Reports of Public Works Prisons in England and Ireland.

They go on to say :—

“ It was difficult to conceive that these were men of the same class P. 39. as those whose scowling or knavish visages we had seen in photograph or in flesh in the first stage at Mountjoy.”

Yet undoubtedly they had passed through that prison. This led to the inquiry: “ How then are the men who are to come to “ the intermediate prison trained and selected? *It is clear that everything must depend upon this.* It is clear that if a number of “ convicts such as we saw at Mountjoy, were taken indiscriminately “ and placed at once in association, by day and by night, under “ circumstances as we saw at Lusk, the result would either be, that “ as was prophesied when the place was proposed, there would not “ be a man left next morning, or if escape were by any means “ prevented, the old evils of association, or even the abominations “ of the hulks, would be reproduced.”

They observe :—“ There can be no question that the good dispositions of men placed in a position so nearly approaching to “ liberty, and under such an entire absence of physical restraint, “ are severely tested. Some of us were inclined to doubt whether “ the test” of 50 men sleeping in hammocks in a hut, without any other control, “ be not too severe, whether, especially, the association by night is prudent, considering the evils that have “ resulted from it, under previous systems of prison management.”

In support of the doctrine of placing temptation before the men it P. 43. is argued “ that if men are not fit to pass through such an ordeal “ as that of the intermediate prisons, still less are they fit to be “ exposed to the yet greater temptations of the world at “ large, association at night being only what is found in every “ barrack.”

On these points I would observe, first, as regards escape, that the prophecy would have been fulfilled to the very letter had convicts with three or four years’ confinement been placed under such temptations to run away, and those who afforded them such facilities, when, at the same time they were responsible for safe custody, would probably in England be deemed guilty of “ aiding and abetting” them to escape.

As regards the abominations of the hulks, we have only to look to the class of men, and the way in which they are lodged, to justify the inclination to doubt which is referred to.

The reference to soldiers who are at liberty till 9 o’clock every evening, does not apply.

The evils however which the less credulous among the Visiting Justices apprehended as the consequences of the indiscriminate association at night of 50 old offenders are obviated in their opinion by the previous training to which they have been subjected.

They say :—

“ That such a moral tone has been formed among the convicts in P. 43. the intermediate prisons, we are assured on all hands, and its existence is the strongest proof of the power of those *moral agencies which have been brought to bear upon them before they come there.*”

This is an unexpected admission, because they go on to say that the agencies referred to, previously at work at Cork, are not peculiar to the Irish system, but common to it with the English.

P. 45. They observe:—

"That great evils have occurred elsewhere among men placed in association under somewhat similar circumstances, but *without a similar previous training*, proves the severity of the test, and the want of such training."

"That they have not occurred in the Irish intermediate prisons proves the excellent effects of such a training, *a fortiori* from the proved severity of the test. The efficacy of the training (that is, before they come to Lusk,) is especially evinced by the general good conduct in the intermediate prisons of two classes of men," &c.

It is to be regretted that the Justices entrusted with an inquiry into the Irish system, did not proceed to Cork, either for the purpose of ascertaining by what means the knaves whom they had seen at Mountjoy were converted into the honest labourers at Lusk, or whether the discipline there was in reality so different from Portland as to secure a more favourable result, even when worked under the peculiar difficulties with which the Irish Directors have had to contend, difficulties which do not exist in the Public Works Prisons of England.

I will briefly state that until recently the convicts at Spike Island were all confined in casemated barrack rooms containing perhaps 20 men each, and in a large iron hut containing 200, divided down the centre into two rooms containing 100 each.

A portion of the casemates have lately been divided into small sleeping cells by partitions, the top being covered with open wire netting, the door being also of the same open material. This secures individual separation at night for one class. Another class is accommodated in the associated rooms as before, but when the iron hut is occupied the men sleep 50 in a row, as close as they can be packed, on each side of the two rooms into which it is divided.

Setting aside all other considerations (and they are weighty), the disadvantages under which moral training is carried on is too obvious to need a single remark. Mr. Moran, the late experienced Chaplain of Portland, in speaking of the two associated rooms at that prison, and they are in all respects very superior to those at Cork, says:—

"The associated rooms are hulks on shore, and liable to all the abuses of *hulks afloat*. However unfortunately a prisoner may be placed with respect to his companions during working hours, still there is hope if in the evening he can retire within his own cell to the company of his Bible, books, and it may be to communion with his God. A man may read, write, reflect, and pray with comfort when alone, but he can do none of these duties properly and advantageously in an associated room, where the presence of other prisoners renders his visitation and improvement difficult."

It will be obvious to any one, that if men live in a crowd, and sleep in a crowd, but scant opportunity exists for reflection, on

any thing that is good. It is, therefore, a great matter of surprise if the same amount of improvement is effected at Cork which is accomplished under far more favourable circumstances at Portland.

I therefore freely give every officer concerned in the discipline at Cork the greater credit for accomplishing the amount of reformation which the Visiting Justices have placed on record.

I have said, it is to be regretted the Visiting Justices did not visit that prison in order to a fair comparison with Portland. They have never seen whether the men were more contented and ruled with a less amount of punishment, whether they understood more thoroughly how completely their fate was in their own hands? Whether the labour was so applied as to encourage the formation of habits of persevering industry, or realized a larger amount? Whether there were no deeds of violence in Ireland? Whether the cost to the country was less? Whether a military guard was deemed necessary at Cork? Or whether the convicts were so lodged as to be under equal control and inspection? They appear to have cared for none of these things.

INTERMEDIATE SYSTEM AT BROADMOOR.

But if good conduct at Lusk can be referred to, as the result of previous good training, the same evidence is afforded at Broadmoor, of the training at the Public Works Prisons of England.

On a recent visit to that place, I found 130 men (who had been drafted from Portland, Portsmouth, and Chatham,) working as industriously as an equal number of day labourers. They were contented and cheerful, looking forward with the deepest anxiety to the day of their liberation, and there was not a single entry of any kind or description in the Defaulter's Book during the six months they had been there.

But this result is not the effect of the freedom at Broadmoor, it is, as stated in respect to Lusk, the effect of the *previous training* in the probationary stages of separate confinement and public works. If this be so, is there any process or indescribable influence at Broadmoor, which renders the men more fit for release than they were when they left Chatham or Portsmouth. No? experienced officers would say that if control is diminished with English convicts beyond a certain point, it is at a risk of losing some of the good already gained. Certain advantages are secured to the public service, in applying labour at the disposal of the Government, so as to realize the greatest value, but to expect that the reformation of such criminals as we have to deal with, can be promoted by unrestricted association, or that by such means a clearer insight into character is gained, would be to court disappointment. Nor should we gain the great object aimed at in Ireland, namely, that of propitiating the public. The British public are too incredulous, though they really stand on safer ground.

As before observed (in regard to the character of a prisoner), the experience of all prison officers that it is unsafe to form opinions whilst under any kind of restraint, is confirmed in a remarkable degree by Mr. Organ, who is the life and soul of the intermediate system at Lusk and Smithfield.

He says:—

"The results of my experience amongst them in this way have long since led me to believe that a more perfect knowledge of the real character of prisoners can be acquired by close observation for the first two days after discharge, when they are free and feel themselves uncontrolled and independent, than can be derived from any experience of them whilst inmates of a gaol. My practical experience of their characters, both inside and outside of the prison, convinces me that the opinion I now advance is correct."

Under these circumstances it is obvious that the public in Ireland must not place reliance on a character acquired in prison. Good conduct and industry persevered in for years is an *indication* both in England and Ireland, but it is no guarantee.

The Rev. J. T. Burt, to whom the public is already so largely indebted for a paper read before the Social Science Association in June last, has in a recent publication, entitled "Irish Facts and "Wakefield Figures," reviewed in a very conclusive manner the statements of the four Justices.

Mr. Burt observes upon this particular point:—

"The design of this pamphlet has been to recommend to public favour the administration of convict discipline in Ireland, and to disparage everything connected with convict discipline in England. The four Justices rest their claim to public attention upon their official position as Visiting Justices of the Wakefield prison, where they have been entrusted with the administration of an important part of the system which they hold up to public reprobation. In truth, however, the office of Visiting Justices gave the writers of this pamphlet no special opportunity for observing the administration of convict discipline beyond the limits of the Wakefield prison, and their acquaintance with the subsequent stages of the discipline is shown to be so imperfect, that it may be doubted whether they had ever visited the public works either in England or in Ireland.

"The contrast between what is called the two systems has been drawn so as to produce some artistic effect; but when the facts have been investigated, nothing will show more clearly the weakness of the case than the one-sided manner in which it has been argued. In contrasting the results in the two countries, the official return of 10 per cent of relapses in Ireland is accepted without question, although the most superficial examination of the Irish reports shows that it is far below the truth, but at the same time elaborate calculations are made to show, the result being clearly overstated, that the official return for England is wrong; and that the relapses are 40 or 45 per cent.

"All this is, of course, done with entire unconsciousness of error, but it is to be regretted that a sense of the responsibility attaching to the influence of office, and to the greater influence of personal character, did not lead the four Justices in dealing with public interests, to act with judicial impartiality."

After clearly showing the fallacy of the calculations which these gentlemen bring forward in support of their objects, Mr. Burt observes, (and I entirely concur with him in thinking) that "Before an important branch of the public service was held up to general reprobation upon the Wakefield returns alone, it was certainly due to the department with which they were connected, it was due to the Home Secretary, and it was due to truth, to have made inquiry whether there were not differences in the rates of relapsed cases at other convict prisons, and how far the trustworthiness of the general average was affected by these differences.

The official returns were in their hands showing these differences.

PROPORTIONATE RATE OF RECONVICTIONS at WAKEFIELD.

Prisons.	1856.	1857.	1858.	1859.	1860.	1861.
England and Wales -	27·5	29·7	29·8	27·5	30·4	30·0
Wakefield, West Riding	37·5	40·7	41·5	44·1	45·2	44·0
Convicts at Wakefield -	18·3	18·6	19·0	19·0	22·4	30·9



A P P E N D I X .

APPENDIX A.

S U G G E S T I O N S

ON

AN IMPROVED SYSTEM OF CONVICT DISCIPLINE,

BY MAJOR JEBB, R.E.,
SURVEYOR GENERAL OF PRISONS,

ADDRESSED TO THE RIGHT HON. SIR GEORGE
GREY, BART., SECRETARY OF STATE FOR
THE HOME DEPARTMENT.

1846.

SIR,

45, Parliament Street, 5th Nov. 1846.

I BEG to acknowledge the receipt of your instructions, that I should submit to you, in a consecutive form, the several reports I have made under your directions, having reference to the introduction of the proposed system of Convict Discipline. I have in consequence given my best consideration to the general views you have done me the honour to explain, and as far as time has permitted, to the several details on which the successful working of the system will mainly depend. I need scarcely assure you, Sir, that I am duly impressed with the vast importance of the subject, and the responsibility incurred in offering any suggestions for your consideration. I trust, therefore, you will believe that, however imperfect they may be, they are the result of my deliberate opinion as to what is practically attainable under the circumstances.

CONVICT DISCIPLINE.

I HAVE studiously avoided the effort to realize any particular theory, or to step beyond the limits that experience would warrant, and if I have not aimed at greater advantages it has been from a desire that they may follow in the train of the system rather than that the attempt should fail of success.

Before entering upon the subject of the system proposed to be introduced I will briefly advert to some of the circumstances immediately connected with it.

When a change in the system of transportation was under the consideration of the Government in 1838, it was generally understood that the number of convicts to be sent abroad would be diminished to a minimum, and that a period of penal and reformatory discipline in this country would be substituted for transportation.

At that time prison discipline was in its infancy. The merits of the separate system had, however, been ably brought forward by Mr. Crawford and Mr. Russell, and though fears were entertained of its effects on the health of the prisoners, very favourable moral results were generally anticipated.

With a view to the consideration of the means by which such a system of penitentiary discipline could be established for the great body of the convicts, I received the directions of Lord John Russell, then Secretary of State for the Home Department, to report on the localities that would be best adapted for the purpose of erecting suitable prisons. The reports made to his Lordship on the subject are annexed.

I recommended generally that if penitentiaries were established they should be situated in manufacturing districts, or the neighbourhood of London, in order that there might be no difficulty in obtaining employment for the prisoners, which was an essential element in the contemplated discipline. Further, that in case it were found necessary from the irreclaimable character of particular prisoners, or from other causes, to resort to more severe measures, in substituting hard labour for instruction and employment, it might be desirable to have a separate establishment for such purpose, which would have a more formidable aspect if situated in some remote spot, or in one of the islands contiguous to the British shores, than in the heart of the country. Lundy Island, in the Bristol Channel, Dartmoor Prison, and other places were examined and reported upon in connexion with this object.

* * * * *

The general outline of the system now contemplated is understood to be the commutation of a sentence of transportation for a limited period of imprisonment, followed by employment on Public Works, combined as a general rule with banishment in exile to Australia.

The results of the great experiment made at Pentonville affords reasonable grounds of expectation that such a system, commencing with a period of imprisonment in separate confinement and followed by well regulated association and industrial training on public works, will be attended with success.

* * * * *

The views of Sir James Graham on this point are forcibly expressed in his letter to the Commissioners, dated December 16th, 1842, as follows:—

“ Eighteen months of this discipline appear to me ample for its full application. In that time the real character will be developed,

instruction will be imparted, new habits will be formed, a better frame of mind will have been moulded, or the heart will have been hardened and the case have become desperate."

On the whole, therefore, I should be disposed to say that an average of one year's imprisonment, which would allow of a proportion of the prisoners being detained for 18 months, and others not requiring separate confinement, with a view to their moral improvement being removed to public works at the expiration of six months, might be taken as sufficient. This would leave an average of three years to be passed on public works.

If it be further assumed that there will be 3,000 males annually to be provided for (independent of men sentenced for life, or otherwise disposed of) there will always be on the foregoing conditions an aggregate of 12,000 convicts to be dealt with in this country. After deducting infirm prisoners, juveniles and pardons, &c. &c., the aggregate number of able-bodied adults may possibly be reduced to 8,000, of which number 2,000 would be in separate confinement, and 6,000 on public works.

Though these numbers appear formidable, I do not see any difficulty in bringing the proposed system into immediate operation at a comparatively moderate outlay.

If a greater number were required, spare accommodation to the amount of 500 or 600 cells might probably be obtained in county prisons of approved construction, and the men would be subject to such regulations as the Secretary of State might direct, and if such a source should fail as a permanent measure 500 cells might be added to Pentonville at a cost not exceeding 5,000*l.*

General Outline of the Discipline of Prisoners on Public Works.

The nature of the discipline to be enforced, and the means of providing establishments for the accommodation of 6,000 men, if employed on works of national importance, is the next question to be considered. The general views embodied in the letter of instructions I had the honour to receive from you are as follows:—

"That care should be taken to combine with the profitable labour of the convicts to be employed effective means of improved prison discipline and moral superintendence." That you would, therefore, entertain great objection to their being placed in hulks, and "consider it essential that provision should be made for their being lodged on shore in buildings erected for the purpose, so arranged as to secure, as far as possible, the separation of the convicts from one another when not at work, and especially that they should have separate sleeping places."

It is assumed that in order to secure the moral advantages to be derived from the whole course of probationary discipline and industrial training to which a convict would be subjected, that each prisoner should first undergo such a period of separate con-

finement as will afford opportunity for his being thoroughly instructed in his religious and moral obligations; the period however, except in special cases, not to exceed 15 or 18 months. It would appear convenient and advantageous that the duration of the imprisonment should be specially determined, in each case, by the character and attainments of the individual, and his ability to bear the confinement, and that there should be no fixed rule respecting it.

After undergoing this reformatory discipline prisoners might be drafted off monthly, or at convenient periods, to the different establishments where public works were going on.

The employment of a large body of convicts in the manner proposed, will be a new era in their management in England, affording an opportunity of combining the useful and profitable application of their labour with instruction that will be permanently useful to them.

The details of the existing system of "separate confinement, or "association in silence," cannot, from circumstances, be carried out on public works, and the evils attaching to the system heretofore pursued in the application of convict labour in the dockyards requires to be avoided.

* * * *

Suggestions concerning a Scale of Reward as a stimulus to good Conduct and Industry.

One principal ingredient in any system of reformatory discipline should be a wholesome stimulus to industry, good conduct, and moral improvement, and if immediately attainable its effect will be increased in proportion. The principle is imperfectly acted upon, even in the present system, on board the hulks, but in order to render it effective it would require further development.

Under the existing system a prisoner who does not misconduct himself received 6d. a week from the dockyard, which is laid out for him on two specific days in vegetables or bread, and 3*l.* is given to each man on his release to enable him to find his way home. For great exertion at task work on particular occasions, the men have, under certain restrictions, a small allowance of porter, which is paid for by the dockyard.

These extra allowances are much prized by the men, are an incitement to industry and regularity, and greatly increase the amount of labour performed. The substitution of a scale would, however, afford the means of materially improving the discipline. Thus instead of the fixed sum of 6*d.*, which is seldom forfeited, and is received too much as a matter of course, I would suggest a scale varying from 6*d.* to 9*d.* a week, which instead of being required to be spent in bread and vegetables (which, if the men are furnished a proper diet, they ought not to want) should, at the option of the man, be placed to his credit. Some encouragement might, perhaps, be given to the men according to the classes in which they might be placed by the Chaplain and Schoolmaster for

moral conduct and general improvement, as a further stimulus to industry and good conduct; a scale regulating the amount to be given to them on their discharge, and the means by which it should be earned by them might be established, and it is deserving of consideration whether such amount, in the case of men pardoned in this country, should not be afterwards given in small sums granted for a certain period, instead of all at once.

The means by which such a system of rewards could be applied in practice, would be easily determined by experience. The object being to place its advantages *within the immediate reach of each individual.*

The principle is thus laid down by Lord Stanley, in his instructions to the Lieutenant-Governor of Van Diemen's land, dated November 1842 :—

" Every gang shall be broken into two or three divisions, distinguished from each other by such mitigation of toil or other petty indulgences as may be compatible with the condition of criminals suffering the punishment of their offences. By transference of the men from one of these divisions to the other, an effective system of rewards and penalties might be established, of which the enjoyment or the terror would be *immediate.*"

I have not adverted to the industry of the men influencing the period of their detention, for as the object of imprisonment is to deter others, I conceive it is of importance to preserve the *prestige* of the full period of the sentence being endured. If a man by extraordinary exertion worked out a period of three years' servitude in two years, the effect of his appearance at liberty after so short a term would act unfavourably as regards the main object. If, therefore, other and sufficient stimuli to good conduct and exertion be thrown into a system of industrial training without affecting the period of imprisonment, I conceive it would be the wisest and safest course to follow. The principle is admitted in the assignment of a daily task of work. The man gains something by extra exertion, but he is nevertheless obliged to labour during the entire day.

* * * * *

With such encouragement to good conduct, it would be essential to combine *some greater degree of punishment* than could be introduced into the system by the minor deprivations to which prisoners might expose themselves by misconduct. On this point I would submit for consideration, whether a separate and *entirely penal establishment* would not be of advantage, to which all prisoners who from their hardened and obdurate character, general behaviour, or attempt to contaminate others, might be removed to undergo without remission the whole period of their sentences.

The discipline of such an establishment should be severe in its character, in which *compulsory and distasteful hard labour*, combined with separation, should be substituted for the ordinary *employment* on public works.

Such an establishment would fulfil the same object with re-

ference to the new system of discipline that Tasman's peninsula, in Van Diemen's Land, does under the system of classification established there, which is thus forcibly adverted to by Sir James Graham in his letter of instructions to the Commissioners of Pentonville, dated 16th December 1842. In alluding to the system of rewards and punishments by which the conduct of a prisoner in confinement at Pentonville would be influenced, he states :

" If he behave ill, and if the discipline of the prison be ineffectual, he will be transported to Tasman's peninsula, there to work in a probationary gang, without wages, deprived of liberty,—an abject convict.

" This is the view that should be presented to the prisoner on the day when he enters Pentonville. This is the view which should never be lost sight of, either by him or by those in authority over him, until the day when he leaves the prison for embarkation, and when, according to the register to be kept of his conduct, the Commissioners will determine in which of the three classes he shall be placed."

The removal of a man from the ordinary discipline would have a powerful influence in upholding the system enforced on the whole body of convicts employed on public works, and be an outlet for the removal of such as were incorrigible by the discipline, or insensible of the advantages held out to them.

* * * * *

Construction of Buildings for the accommodation of prisoners employed on public works.

When the works on which prisoners may be employed are likely to be completed within a limited time, it is of obvious importance that the greatest economy consistent with security and the maintenance of discipline should be observed. The best consideration I can give the subject however, satisfies me that the improved discipline and moral control which it is your determination to maintain, cannot be effectually secured in huts or temporary buildings. I have, therefore, turned my attention to a principle of construction which, whilst it will provide for effective discipline and superintendence, will admit of the buildings being removed to another situation, when required, at a very moderate cost.

* The accompanying plans are explanatory of the proposed arrangement. Figures 1 and 2, plate I., are a plan and section representing a prison building for accommodating 600 men, in four large open halls or sheds, 83 feet long and 36 feet wide, having small cells seven feet long by three feet nine inches wide, and seven feet high, ranged in four stories on either side.

The external walls are proposed to be of wood framing, the partitions between the cells and the doors of corrugated iron, the galleries, stairs, &c., of wood, all so framed as to be taken to pieces.

* NOTE.—Several plans were submitted with this letter.

The space, or corridor, between the cells on the ground floor, would be about 22 feet wide, lighted from the roof; and might conveniently be used by the prisoners for meals and receiving instruction.

Any number of such halls, each containing from 150 to 200 men, may be so arranged for the general purposes of a large establishment as to give great facility for superintending and carrying on discipline. The kitchen, chapel, infirmary, yards, &c. being so disposed as to be accessible from all of them.

These details appear to me to combine most of the essentials required, and will afford the means of as much separation as the circumstances under which the men will necessarily be placed will admit of, and at as small an expense as possible.

If the establishment were required for permanent purposes, such as regular employment in the dockyards, I should propose a similar principle of construction, but the external walls would be of brick or stone, and the whole would be of a more substantial character.

I am not disposed to advocate economy where moral advantages are at stake, but I have considered it my duty to lay before you an appropriate provision for the different modifications in discipline that might possibly be introduced into the system, without sacrificing the main object.

Exile System.

The system of sending out exiles to Australia was forced upon the Government under particular circumstances, which are thus adverted to in the Fourth Report of the Commissioners of Pentonville Prison:

"Under the arrangements first made for the disposal of prisoners from Pentonville, after the expiration of the probationary period, it was proposed that they should, in all cases, be transported to Van Diemen's Land, there to be placed in one or other of the classes into which the convicts are divided under the general system of management which has been established in that colony."

In pursuance of this arrangement,

197	were sent out in	1844.
58	do.	1845.
122	do.	1846.

And there are to be embarked for the same destination 146, making altogether 523 in about two years.

The prospects of the colony are described thus by Mr. Baker, Surgeon Superintendent of the "Stratheden":—

"That no greater proof can be shown of the estimation in which the conditional pardon men are held at Port Philip than that all the men

were hired from the ship for 20*l.* per annum with their rations. One man obtained 35*l.* and one even 50*l.*, and that had he been entrusted with 500 instead of 50, he is certain that he could have procured them masters in one week. A gentleman who had hired some men from the 'Sir George Seymour,' engaged 10 more from the 'Stratheden.'

These accounts are calculated to afford great satisfaction to every benevolent mind, as it is evident that a number of individuals are placed in circumstances affording them every opportunity of doing well for themselves, whereas if they had remained at home, they would probably have had to share the hard fate of their neighbours in struggling on in a course of honest but unre-quited industry.

On reflection, however, the following serious question arises:—

Is this system designed as a reward, or is it a punishment?

Whatever its design may be it is to be apprehended that a free passage in a comfortable ship and in suitable company, an excellent outfit, a prospect of wife and family following, and the certainty of employment at adequate wages immediately on arrival, or of being supported until such employment be obtained,—all this, moreover, in a fine and thriving colony,—will not possess any features of a forbidding character, or such as will prove a discouragement to crime.

The system of sending out exiles, adopted in the first instance from necessity, has been persevered in from convenience, but it is doubtful whether the whole question has ever been fairly under consideration of the Government.

* * * * *

It appears that the following are the conditions of exiles being acceptable to the colony.

1st. That under no circumstances shall an exile be sent where the labour market is supplied from other sources.

2ndly. That the men shall be equally reformed and respectable with those already sent (who were selected in the proportion of 255 exiles to 218 sent to Van Diemen's Land, after 18 months of Pentonville).

3rdly. That the wives and families of all married men should be sent out and a suitable proportion of females, to counterbalance the disproportion of sexes existing at Port Philip.

Another difficulty presents itself, which is this. If the condition of banishment as an exile be annexed to a commutation of sentence as a punishment, what is to become of the most deserving men whom the colonies expect to receive?

If it be annexed as an advantage to deserving men it must be made voluntary, otherwise some might prefer emigrating on their own account, or being released in this country.

To these several considerations must be added the absolute necessity of preserving an outlet, on a large scale, for the expirees and conditionally pardoned men, as a means of relieving Van Diemen's Land.

It must also be borne in mind that if the system be general, there will probably be 3,000 to be annually disposed of. What-

ever may be the hopes that there will be a continuous demand for any such number, there do not appear to be any grounds for a well founded expectation that it may be relied upon.

In the consideration of the new system of convict discipline, it would, therefore, be very desirable that the measures to be adopted for the disposal of convicts after the expiration of their periods of imprisonment should be made independent of the system of sending exiles to Australia.

* * * * *

Disposal of Prisoners on their Discharge.

* * * * *

It is difficult to determine in what proportion it may be found necessary or possible to make use of emigration, but assuming that in one form or another it will furnish an opening for 1,000 men, there will remain 2,000 to be discharged at the doors of the several establishments.

Of this number it may be reasonably anticipated that a proportion will do well for themselves if only afforded very moderate pecuniary assistance. They may have friends of property, or a trade requiring little capital to fall back upon. Supposing such to amount to 1,000 annually, there will remain 1,000 who will require the active hand of benevolence, or a comprehensive scheme under the control of the Government for giving them shelter and temporary employment until they can provide for themselves.

These may not be the relative *proportions*, but they are the probable *classes* into which prisoners on discharge may be divided.

With respect to emigration, many would gladly avail themselves of being placed in circumstances to go away, some of them from a feeling that in returning home they would disgrace their friends, others from a desire of change and hope of making a fresh start in life. Such men are free agents on discharge, and the means and facilities for effecting their object without *direct interference*, is all that would be necessary. Others, I would venture to suggest, might receive a pardon, with a condition annexed, that they should leave the country within a limited time, for which purpose their acquired earnings would furnish the means. Such it is conceived might go to any place beyond the sea that was most convenient to them, and might never be heard of again.

If they failed in fulfilling the conditions, they would be within reach of the strong arm of the law, which would retain such a power over them as effectually to prevent their ever returning to their old associates. They would be like deserters from the service, very difficult to find unless they gave themselves up.

* * * * *

These are, however, points on which, though speculative opinions may be formed, there are neither *facts* nor *experience* on which to ground them. The only thing certain is, that the difficulty will arise and must be provided for, and it is this consideration that has led me to venture so far as to mention some of the possible ways in which it might be dealt with.

* * * * *

Juvenile Offenders.

* * * * *

There exists no demand whatever for the labour of children or mere boys in the Australian colonies, and to have continued to send them there would have been to place in risk their eternal interests, and to entail on them the most miserable destitution.

Having had these difficulties constantly before me for years as a Visitor of Parkhurst, the conviction has been forced upon me that, so long as civil authorities are empowered to transfer to the Government the care of children who from neglect of parents and other causes fall into criminal courses, so long will such difficulties exist.

If the Government were prepared to act on the principle of *educating* all of tender age who might be sentenced to transportation, it cannot be done with a hope of benefit, unless they also undertake to *provide* for them afterwards. If such a course were pursued *without limitation* it is greatly to be feared that the effect would be not only to deprive the sentence of all its terrors on the minds of parents and others, but to convert it into an object most anxiously to be sought for. The sentence would be nominal, the advantages certain.

The only class of juveniles, and which, in my judgment, should, as a general rule, fall at all on the hands of the Government, are those above the age of 14 or 15 years; such after two or three years' discipline and instruction at Parkhurst, would be in a condition to profit by whatever outlet might be afforded for male adults, under the proposed ordinary discipline, to which the great body of prisoners under sentence of transportation would be subject. They would be fit for emigration or exile, or to be released in this country with a probability of being able, with a little assistance at the outset, to earn an honest livelihood.

The general principle of discipline established for the management and disposal of convicts might, under such circumstances, be advantageously introduced at Parkhurst. As it stands at present, there is no certain prospect on which the boys can rely with confidence, and there are no rewards beyond the consciousness of doing right within their immediate reach. There is the fear of punishment, and a distant prospect of a release from the prison, but the accounts which have been received of the misery in which many of those who left it with the highest hopes, are now existing, has, in a great measure, removed the element of hope altogether, and substituted merely the desire of change. Unless more definite prospects can be held out (and so long as there are little boys there the difficulty will be increased) it will be impossible to realize the vast advantages which are almost within reach, and which were embraced within the wise and benevolent views which led to the first formation of the establishment, and to its subsequent extension to more than double the original accommodation.

The appropriation of Parkhurst to such an object would render it one of the most valuable institutions in the country, whereas under its present circumstances, the greater part of the annual

expense, amounting to 10,000*l.* per annum, is absolutely thrown away, the real amount of ultimate advantage secured bearing no proportion whatever to the outlay.

* * * * *

Great changes in public opinion have taken place with reference to prison discipline of late years, and in no department more so than that which concerns juvenile offenders. Much of this is to be ascribed to the operation of the system established at Parkhurst. It has led to more enlightened views being entertained, and all thinking men are agreed that any well organized system of dealing with juvenile offenders, will operate widely in staying the progressive increase of crime.

Hitherto criminal youths committed to prison have, in too many instances, been thoroughly corrupted by the contaminating influences around them, and others who have escaped committal through the anxiety of magistrates, that they should not be exposed to such evils, have been encouraged by impunity.

During the last Session of Parliament, a Bill was under consideration for enabling Counties and Boroughs to unite for the purpose of forming district juvenile prisons. This important measure, with some modification of title, would provide, in a most satisfactory manner, for the cases referred to.

There is much in *names*, and instead of calling such an establishment a *prison*, it would be more in accordance with its objects to term it a *house of detention*.

Government having recently undertaken to defray the cost of all convicted prisoners, the present time would appear favourable for the introduction of a measure which should still render parents or unions responsible for any expense resulting either directly or indirectly from their neglect of children, who, from their tender age, were immediately under control.

There would be no violation of any principle of English law, or even its practice, in tracing this responsibility to its source, and rendering the parties liable for it. It would be more rigidly just to make a parent pay for his own neglect, than to make a whole parish or union contribute, and more just to render a whole parish liable, than to call upon a county to share the expense.

As far as regards the child and the public interests which are involved in the course of crime on which he may have entered, it would be wise and benevolent to adopt strong measures for protecting him and society from the obvious consequence of his continuing in it.

The discipline, if thought desirable, might be as stringent as at any prison, but still sufficiently mild to secure all the good that may be obtained by instruction and industrial training. The objects gained would be that the sentence and detention would be regarded in the light of *precautionary* measures rather than *penal* ones, less disgrace would attach to them, which would give increased facilities for making suitable provision for boys on discharge.

Acting on such a system, the power of magistrates with reference to summary convictions of boys under a certain age, might advantageously be extended, to which it is conceived there could be no objection, as the authority would be exercised with a view to instruction and reformation rather than punishment.

If unions of counties were formed so as to receive from 50 to 100, or even 200 inmates, they would be managed with great advantage by local authorities; and the means of dispersing the boys by apprenticeship or otherwise on discharge, would be more easily arranged by them than by the Government.

All petty offences committed by boys within the limits of age determined on, might be dealt with for the first and second time, as at present, by committal to the common gaol; but I should recommend the sentence being restricted to seven days' solitary confinement in a light cell, and that the offender should be whipped with a birch rod on entering and leaving the prison.

If such a course did not avail, and that he appeared a third time within a certain period, indicating his being engaged in a course of crime, or if the crime were of a serious nature, magistrates might be empowered to send him to the house of detention for 12 months, or some certain period, or to commit him to the house of detention for trial at quarter sessions. The court to be empowered, in lieu of a sentence of 7, 10, or 14 years' transportation, to authorize his detention there for *any period*, according to his age and circumstances, which might appear necessary for the contemplated objects.

In order to deter parents from neglecting their children, or taking steps to gain the obvious advantages held out by such a course of compulsory discipline and training, I would propose that, as far as possible, parents, the union, or the parish, should either defray, or contribute towards the expenses; the parish being liable for the amount to the district house of detention, and the parents liable to the parish. The minimum to be paid by any individual not receiving parochial relief, might be the mere maintenance of a boy at 2s. 6d. or 3s. a week; the liability to extend to stepfathers, widows, and the wives of convicts, as well as all others. The parish or union to be responsible for illegitimate children and orphans.

The advantages held out are apparently great, and, but for the liability to pay, there is little reason to doubt they would be eagerly sought by many. If however the circumstances of the parents of criminal children be considered, it will be found that the alternative of paying 2s. 6d. or 3s. a week for one of the family, or of going to the union, will be a severe test; and the parish authorities will have an equal interest in taking care that the liability is not allowed to fall upon the rate. There is reason, therefore, to expect that the result of such a measure would produce a far more deterring effect than the present system, where the whole responsibility and expense is thrown off the shoulders of both parish and parent, and transferred, by a sentence of transportation, to the Government.

The great error of the day is the tendency to relax the discipline to which adults are subject, in applying a penitentiary system to short periods in a house of correction; but, with regard to children, the error appears hitherto to have been too much severity; and the proposed objects in passing a sentence of transportation (which, in many cases, have been most benevolent), have seldom been attained by the means adopted.

I should scarcely have ventured to submit for your consideration this brief outline of a measure which so deeply affects the interests of a class of criminals who, from their age, are more teachable, and more likely to derive benefits from discipline and instruction than others, were I not satisfied that any steps taken by the Government with a view to ameliorate their condition, and introduce a better and more enlightened system, would be warmly seconded by public opinion.

* * * * *

The time afforded me has not permitted of my laying before you such a report as the importance of the subjects adverted to demands, nor have I had an opportunity fully to explain the grounds on which any opinion I have ventured to submit to your better judgment rest. I trust, Sir, however, you will believe that I have not hazarded a suggestion without being prepared to show that there are reasonable grounds for considering it to be practicable, and calculated to promote the objects you have in view. I entertain an equally confident expectation that, under the blessing of God, the course of discipline, instruction, and industrial training which you propose to establish will secure a great moral result that will be satisfactory to the Government, and that will be duly appreciated by the country at large.

I have, &c.

J. JEBB, Major, R.E.
Surveyor-General of Prisons.

5th Nov. 1846.

APPENDIX B.

45, Parliament Street,

SIR,

7th September 1853.

I HAVE to acknowledge the receipt of your letter of the 11th of August, acquainting me that Viscount Palmerston had been pleased to sanction the release on licence of certain convicts under sentence for seven years whose crimes may have been of a trifling nature, and who have a fair chance of employment, and requesting that I would proceed at once to make such inquiry in each case as would enable me to suggest under what restriction the licence would be granted.

In reply, I would beg leave to state that, on the receipt of your letter; I called upon the Governors of the different Convict Establishments to make inquiry into the prospects and means of obtaining employment of those convicts whose claims were the most pressing, and am now prepared to commence such returns as will enable Lord Palmerston to bring the provisions of the new Act into immediate operation.

Previous to entering into details, I would, however, beg leave to avail myself of the opportunity of offering a few observations on the subject.

In the regulations laid down in the "Notice," no distinction whatever was made with reference to the crime of which a convict might have been convicted. Every one under sentence for similar terms of transportation were dealt with alike ; the same remission as a reward for industry and good conduct being attainable by all.

Much of the success that has attended the present system has undoubtedly been due to the convicts having a *certain prospect* before them, and their steady endeavour to realize, by industry and good conduct, the hopes and expectations that were held out to them.

With regard to the question of making the period of release or the amount of remission dependent upon the crime of which a man may have been convicted, though I admit its expediency in certain cases, I think, as regards the convicts *now under sentence* it will not fairly apply.

Without adverting to the argument that the crime may be assumed to have been dealt with by the Judge in passing sentence, under which view all prisoners under similar circumstances would be placed on an equal footing, I would observe that as the convicts now under sentence have not had any reason to expect that any such distinction would operate to their disadvantage, it would be naturally felt a hardship if a new element having a retrospective effect were introduced into the calculation for determining the period of their detention.

I would also mention that under a former system in the Hulks, where, as a general rule, the seven years men were pardoned in this country, the time of their release was not influenced by their crimes, but depended solely on their good conduct, &c.

These considerations induce me to express a hope that convicts now receiving licences shall be disposed of as heretofore, without, as a general rule, their crimes entailing upon them any great difference in their periods of detention.

Even with regard to the means of working the provisions of the new Act, in the case of men receiving sentences of penal servitude, unless they be classified according to crime from their first reception into a Government prison, it will be extremely difficult to place before them such prospects and inducements as will promote the object of obtaining their own hearty endeavours to give satisfaction, without which little can be expected in the way of reformation.

Having ventured thus to state my opinion, I beg leave to submit returns* of the convicts who have been subjected to penal discipline for periods exceeding the maximum laid down in the Notice, which, in cases of sentences for seven years, is three years, and for sentences for 10 years is four and a half years.

In order to give effect to the instructions contained in your letter of the 11th August, I have distinguished those whose crimes may be considered the more serious, but those convicts who have served an equal period, but whose conduct has been unsatisfactory, are not inserted.

With respect to the former, if it be determined that they shall remain under penal discipline for a longer period than others, I would submit that, as a class, they should be released at the expiration of half their respective sentences, instead of the shorter period I have recommended

* Portland 18 ; Portsmouth 28 ; Dartmoor 29 ; "Defence" 19 ; "Warrior" 8.

for others, which is very fairly represented by the maximum time laid down in the notice.

Those who persevere in misconduct, might, as a general rule, remain four years (which is the term of penal servitude corresponding to a sentence of seven years' transportation), and for any longer period within their original sentences that may appear desirable.

H. Waddington, Esq.
&c. &c. &c.

I am, &c.
(Signed) J. JEBB.

APPENDIX C.

THE CONVICT QUESTION IN 1856.

MEMORANDUM for the SECRETARY OF STATE on the principal QUESTIONS that appear to require Consideration with reference to the RESOLUTIONS of the SELECT COMMITTEES of the HOUSE OF LORDS and HOUSE OF COMMONS, and on the Subject of CONVICTS generally. By Colonel JEBB, C.B., &c.—Dec. 20, 1856.

The principal questions referred to may be thus stated:—

First. Whether transportation can be re-established on such a footing as to secure to this country the advantage it has so long enjoyed of getting rid of its worst criminals, or whether it can be adopted with useful effect as a means of disposal for the better classes.

Second. Whether, failing in those objects, or in connexion with them, the restrictions of a ticket of leave can be advantageously enforced after a certain period of penal servitude in separate confinement and on public work.

Third. Under what conditions, and to what extent, it would be expedient to remit a proportion of a sentence of penal servitude as an encouragement to good conduct and a means of reformation.

Fourth. The scales for regulating penal servitude, either alone or in combination with transportation or banishment.

1st.—TRANSPORTATION.

Before entering upon the particular questions referred to in the Resolutions of the Select Committee of the Houses of Lords and Commons, it may be convenient briefly to glance at the successive changes that have taken place in the punishment of transportation, and the different aspects that it has assumed of late years when compared with former periods.

Up to the period when transportation to Van Diemen's Land was discontinued, no system could have apparently worked better for the mother country and the convict. The former obtained the great advantage of being relieved from all further anxiety in the annual removal to a distance of nearly all the criminals who had been convicted of serious crimes; the latter was successfully trained during a proportion of his sentence, and then placed in circumstances affording him the best chance of entering on an honest course of life.

There can be no question, too, that the third party, namely, the colony, derived advantages which amply compensated for everything but a certain sense of humiliation in being made a receptacle for criminals. The eventual refusal, therefore, of the colonists in Van Diemen's Land to receive convicts may be regarded as a sacrifice of their interests to the maintenance of a principle.

Interested as I am in the success of any measures for the management and disposal of convicts, I only refrain from urging the advantages of transportation from there being apparently no way of resuming it on a large scale which is not likely to entail undue expense or accumulate future evils and uncertainties.

In the following remarks, therefore, I have endeavoured more particularly to give the details of such alternatives as it is in the power of the Government to carry out, independently of a colony, or with its full consent.

Established Discipline for Criminals.

The arrangements made under your authority, with the concurrence of Earl Grey, on the opening of Portland prison in November 1848, will be better understood by the following extract from the notice placed in each cell :—

“ Notice.

“ Male convicts under sentence of transportation will, in ordinary cases, be subjected to three periods of discipline before they serve out the term of their sentence, or obtain a conditional pardon in the colony to which they may be sent.

“ The first period will be passed in separate confinement.

“ The second period will be passed at hard labour on public works, under strict discipline, for a period proportionate to the sentence.

“ The third period will be passed with a ticket of leave in one of Her Majesty’s colonies.”

There is no difficulty in carrying out the first two periods adverted to. The only difficulty is in the disposal of a convict when released from direct control.

Conditions under which a Colony can be deemed a fit place for Transportation.

The conditions under which a colony can be deemed in a fit state for the reception of convicts, having reference to the important interests which are inseparably mixed up with the question, are particularly alluded to in the third Resolution of the Select Committee of the House of Lords, viz. :—

“ That to make a colony a fitting place for the reception of convicts, it is necessary that there should be within it some considerable demand for their labour, either for public improvements or by private capital; and then there should be already within it, or be likely to arise, such an amount of free population as will prevent a great inequality in the sexes and too great a disproportion of the convict element.

In the first Resolution, also, the Committee only contemplate a continuance of transportation “ when it can be carried out with advantage to the colony and satisfaction to the colonists.”

Lord Campbell, also, in his evidence before the Select Committee of the House of Commons, supports the same view.

His Lordship observes (3973) :

“ But I feel that until there is a colony where there is a demand for labour, and where the convicts may be absorbed in the population, and may maintain themselves by honest industry, transportation will not at all answer the purposes for which it is intended.”

Again (in 4008), he observes :

“ The object of transportation, in my view of it, cannot be accomplished unless he is sent to some country where there is a demand for

his labour, where he can become a useful citizen, and where he may re-establish himself in society. There has been a talk of having penal servitude in one of the Hebrides or in one of the Falkland Islands ; without really colonizing, I do not believe that that would at all produce the effect."

Means now at the disposal of the Government.

The means at the disposal of the Government for carrying into effect the highest class of secondary punishment may be thus stated :

1. Transportation of a proportion to Western Australia.
2. Penal servitude, carried out by separate confinement, and hard labour on public works, at the different convict establishments at home, and at Gibraltar.

Male convicts from England and Scotland are confined in the following establishments :—

For carrying into effect a first probationary period in separate confinement,—

Millbank	-	-	-	-	1,100
Pentonville	-	-	-	-	560
Wakefield	}	cells rented	-	-	412
Leicester			-	-	112
					<u>2,184</u>

Prisons and Public Works.

Portland	-	-	-	-	1,520
Portsmouth	-	-	-	-	1,020
Chatham	-	-	-	-	1,100
Dartmoor (<i>see also</i> Invalids, below)	-	-	-	-	500
Parkhurst (for Juveniles)	-	-	-	-	550
					<u>—</u>

Total for able-bodied prisoners	-	-	4,690
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Invalid depôts—

Dartmoor	-	-	-	-	700
"Defence" hulk (proposed to be superseded by the erection of an invalid prison on shore for 500)	-	-	-	-	360
					<u>—</u>
Total	-	-	<u>—</u>	<u>—</u>	<u>1,060</u>
					<u>—</u>
					<u>7,934</u>

This accommodation is independent of Gibraltar and Bermuda, where there exists accommodation and an earnest demand for the labour of about 2,000 men, and of all that is available in Ireland.

Classes of Convicts.

It may be generally stated that there are three classes of convicts to be provided for :

1. A large proportion, who, having been arrested in their career of crime, are capable of being improved by the discipline,* added to others who would give up crime from being tired of it, or deterred by the fear of consequences.
2. A smaller proportion, who, from having been long engaged in criminal courses, and from obduracy of character, are irreclaimable ; also all who have been concerned in crimes of violence.

* See 6th Report of Commissioners of Pentonville, and Resolution of the Committee of the House of Commons, 1850.

3. A very small proportion of both classes who prove absolutely incorrigible by the discipline, and require special treatment.

4. Invalids.

For the purpose of calculation, the relative proportions of these classes respectively may be taken as follows :—

1st class	-	-	-	-	68 per cent.
2nd "	-	-	-	-	18 "
3rd "	-	-	-	-	2 "
4th "	-	-	-	-	12 "

Assumed Classification of 2,500 Convicts.

Assuming 2,500 to be under sentence of penal servitude, the proportion of the different classes alluded to above will be as follows :—

1st class	-	-	-	68 per cent.	-	-	1,700
2nd "	-	-	-	18	"	-	450
3rd "	-	-	-	2	"	-	50
4th "	-	-	-	12	"	-	300
					Total	-	2,500

As the 2nd and 3rd classes are those concerning whose management and disposal the most serious difficulties are likely to arise, I will first offer a few observations concerning them.

3rd class, or incorrigible convicts, who are scarcely amenable to the control of discipline.—This class would, I think, be more effectually dealt with at home, where they could be better controlled than elsewhere. As they would not be deemed to be incorrigible until they had given unequivocal proofs of being *unfit for association*, the best course would be to place them in the penal class at Millbank, there to work out the whole of their sentences at hard labour, with such an amount of separation as might be found necessary for their management.

If there should ever exist the means of disposing of them, as was formerly the case by embarkation to Norfolk Island, it would be a great relief.

2nd class, confirmed habitual criminals, &c.—As there appears but little probability of any of the colonies being willing to accept our worst convicts, I assume they will require to be provided for either at home or at the military stations of Bermuda or Gibraltar. This latter arrangement would be in accordance with the 4th Resolution of the Select Committee of the House of Commons, viz.:—"That convict prisons "beyond the seas ought to be regarded as places for carrying out the "sentence of transportation;" and also with Lord Campbell's opinion (4028-4024), in which he recommends a specific sentence of transportation to Gibraltar and Bermuda.

These stations do, in some respects, present a more forbidding aspect than Portland or Dartmoor, and on this ground the worst offenders might, with effect, be sentenced to long periods of penal servitude, and subjected to discipline there.

There would be objections to any increase in the stringency of the discipline, or material diminution of the gratuities, &c. The long terms of confinement, and the being sent beyond the seas, might be taken to afford a sufficiency of the deterring element to render the punishment exemplary; but with a view to maintaining order and stimulating them to industry, there should exist the same principles of encouragement that are established at home stations, *with the exception of remission of sentence.*

The absence of some wholesome stimulus would only make the convicts idle and mutinous, whereas a strict system, with legitimate objects to strive for, would be *no less penal in its character*, and would secure, in all respects, a better result.

4th class, invalids.—This class would require to be confined at Dartmoor and in the new invalid establishment, and released at home.

Western Australia.

If transportation, or a removal to Western Australia under a sentence of penal servitude, were to be continued, it would appear advisable to consider it as a means of disposal for those whom it might be an object to place in a new sphere, and with a view to give effect to the 9th Resolution of the Lords, to select men generally from the whole body of convicts under sentence of penal servitude, rather than to recur to the shorter terms of transportation, which would again create the uncertainty that has been so much deprecated.

In carrying out this principle the men selected for Western Australia might become eligible for embarkation after certain fixed minimum periods of penal servitude, as was the case under the former system, and receive their tickets of leave on landing, or be placed in probation gangs. Those who were not sent out would serve a longer period at home, and be released either with a ticket of leave or with a free pardon.

My belief is, that one half at least of the first class might be so disposed of at home, without any detriment whatever, and that Western Australia could absorb the remainder.

Sentences of Penal Servitude applied to the first or best Class of Convicts.

The resolutions of the Committee of the House of Commons on the subject of remissions are as follows :—

Resolution 5.—“ That every punishment by penal servitude should include, first, a certain fixed period of imprisonment and hard labour on public works, to be undergone at all events ; second, a further period which should be capable of being abridged by the good conduct of the convict himself.”

Resolution 7 also states “ That with a view to give full effect to the principle indicated in Resolution 5, the sentences of penal servitude prescribed by the Act should be changed and lengthened so as to be identical with the terms of transportation for which they are respectively substituted.”

Resolution 9.—“ That the scale of secondary punishment would be more complete if a shorter period of penal servitude than any in force were enacted, or an intermediate sentence between the present term of ordinary imprisonment now usually inflicted, and the former sentence of seven years’ transportation, or its equivalent.”

General Considerations.

If the sentences of penal servitude were to be made identical with the former sentences of transportation, in order to their including the two periods adverted to in Resolution 5, and that some shorter terms were added, as proposed in Resolution 9, it would appear convenient that the sentences of penal servitude should commence at five years, reducible to some certain minimum. The present stages of discipline established for separate confinement and public works would suffice for the first-named

period of penal servitude, leaving for *consideration the details of giving effect to the second, proposed to be abridged by good conduct.*

This opens a very wide field, upon which many disputants will appear, and it is a question which cannot at present be safely determined by experience.

The prisoner, at the commencement of this transition state, may be regarded as having paid the penalty due to his crime, any further restrictions being more in the nature of precaution, for securing the public, and rather designed to promote *reformation* than as an extension of the *punishment*.

The first practical question that arises is, whether exemplary conduct would render a prisoner eligible for release at the expiration of the *minimum* period of his penal servitude, or whether he should undergo any further probation.

Additional Probationary Period.

If it were considered desirable to continue the training of convicts beyond the stages of discipline which are now established for carrying out the first period of imprisonment, adverted to in Resolution 5 (which we will assume to be one half of any less proportion of the sentence), it should not be for more than a very limited term. *Anything which defers that liberty*, to which all convicts so anxiously look forward, would have more or less of *prejudicial effect*, and tend to defeat the previous efforts to reform. If, to avoid this, *a new probationary term were taken out of the first period*, its duration might be unduly shortened, and there would be a corresponding loss of the *deterring element*.

Between the two, taken even as a choice of evils, I should be disposed to prefer an adherence to a consistent system of progressive stages of discipline for the first period, whatever it might be, and trust the prisoner, whenever he might be released, to his own unascertained resources, the good offices of individuals, or to societies organized for the purpose of affording assistance, *rather than retain him in any intermediate stage*, on the hands of the Government, or under other restrictions which would mark him as a criminal.

If, however, it were decided to commence the second period with another stage of probation, the most simple course would be to form an additional class or *stage of discipline in each prison*, with increased privileges and diminution of control. The *special* classes formed at Dartmoor and Portland some years ago, who are allowed to go about the moors and quarries without being in charge of a warder, is an illustration of this principle; so is the refuge at Fulham, where the discipline is mainly conducted by moral control, and some women are employed as servants to officers and in places of trust, &c. The plan recently introduced in Ireland is of the same description.

I should not, however, recommend this plan being carried very far, especially in the way of putting temptation before a convict, and punishing him for not resisting it. To take his forbearance as an indication of reform is an error; any man who has been a successful deceiver for several years would easily go through a further trial, where a better man might fail.

Employment for Discharged Prisoners.

With regard to affording employment to discharged prisoners, I pointed out in a former report that, in the event of its appearing that men released on licence were unable to obtain employment, there existed facilities at Portland and Portsmouth for granting such as deserved it

increased liberty, and giving them work at a low rate of wages. It was proposed that they should be employed at task work in the quarries and in the new forts at Gosport.

Excepting in a few individual cases, however, the demand for this measure has never appeared urgent, and as one great object is to *disperse* men, when released from that amount of control which prevents mischief, I could not recommend the experiment of providing associated labour for discharged prisoners, unless it were imperatively necessary.

As regards reformation of character, such a measure made generally applicable would, I fear, be more likely to entail the loss of any moral improvement that had been gained than to add to its strength, and the number of volunteers would be inconsiderable.

* * * * *

Sentences of Penal Servitude combined with Banishment to a Colony.

If recourse be had to transportation, a continuance of a combined system might afford the means of getting rid of certain classes of criminals, by giving them, after a lengthened imprisonment, a better chance of doing well for themselves than they might have at home.

Though it is not well understood, this, in point of fact, is the principle of the system which has been established since the occupation of Portland prison, and it requires but little alteration in the administration of the sentences to adapt it to the entire abolition of transportation in its character of a *punishment*, and using it as a means of *disposal* only.

This arrangement would involve the full consent of the colony, and such a demand for labour as would relieve the Government from the expense and the difficulties formerly experienced in Van Diemen's Land in having to find employment.

* * * * *

Tickets of Leave.

Whatever might be the details of the plan for working a second period of probation capable of being abridged by good conduct, a period would arrive when each prisoner must be discharged, either with a free pardon or under the restrictions of a licence or ticket of leave.

The Committee of the House of Commons, in their 12th Resolution, observe as follows on the system of licences to be at large on ticket of leave :—

" That the system appears to be founded upon a principle wise and just in itself, viz., that of enabling a convict to obtain, by continued good conduct while undergoing his punishment, the remission of a portion of his sentence, upon the express condition, however, that in case of subsequent misconduct his liability to punishment shall revive for the residue of the term specified in the original sentence."

There can be no question whatever as to the advantages secured, during long sentences of imprisonment, by allowing a prisoner to obtain a remission of some stated proportion, as a reward for persevering good conduct and industry, as proposed in the 5th Resolution of the Committee.

The evidence of Lord Campbell, who has been supposed to be adverse to any change involving any deviation from the sentence, supports the view of the Committee on this point. His Lordship, in his replies to questions 4015 and 4016, expresses an opinion that a sentence cannot be considered *uncertain* in which it is an understood condition that a proportion of it might be *remit*ted.

The question for consideration, therefore, appears to be whether the remission of a proportion of the sentence shall be of sufficient extent to

justify the creation of a class under the restrictions of a *ticket of leave*, or whether, all things considered, it would not be a more simple and judicious course to remit a *smaller proportion of a sentence* and grant a *free pardon*.

This question might be put in the following form :—Shall there be a sentence of seven years' penal servitude, reducible to three and a half of imprisonment, followed by an equal period with a ticket of leave ; or one of five years' penal servitude reducible to four, with a *free pardon* ?

The Committee of the House of Commons appear only to give their approval to the theory of a certain remission during long sentences of penal servitude, stating in the 11th Resolution that the system of granting licences has been in operation too short a time to enable them to form a clear and decided opinion as to its probable ultimate working.

One great disadvantage under which ticket-of-leave men have laboured has been that they have been regarded as a distinct proscribed class. 30 or 40 per cent. of the prisoners who circulate through other prisons are habitual criminals, but excite no notice whatever, because when they have endured their sentence they are free. Not so with the man who continues under a legal restriction after his release ; he becomes a *marked man*.

For these and other reasons I incline to the opinion that a *free pardon*, after a short remission, would in most respects be better than a remission of a much longer term to be passed with a ticket of leave, and would work equally well for the discipline and better for the public.

Should it be determined, however, to continue the system of licences, a slight extension of the present arrangements might give effect to the Resolutions of the Committees of the House of Lords and House of Commons in respect to a stricter enforcement of the conditions of a licence, and a more regular superintendence on the part of the police.

* * * * *

“ No one will be inclined to doubt the convenience and advantages of transportation ; but looking to the change of circumstances alone which have occurred since it first took place at the head of our secondary punishments, there is good reason to doubt whether it ought to remain there.”

* * * * *

“ So far as a deterring punishment goes, and so far as that may have an influence in repressing crime, there can be no question that long periods of penal servitude will be far more formidable than shorter ones combined with removal to a colony ; and if a sentence of penal servitude for life be passed, it would, to many minds, convey a more formidable impression than capital punishment itself. If long sentences of confinement be established for all serious crimes, especially such as are accompanied with violence, there never will again be heard in a court of justice that libel upon the law, ‘ Thank you, my Lord ! ’ ”

* * * * *

Transportation not a sufficient Punishment.

I say it with all due respect for the opinions of others, but I say it because my own opinion rests upon an extended experience and upon facts, that the deterring aspect of transportation has been gradually diminishing in the eyes of the criminal classes concurrently with an increasing necessity of providing some more severe sentences to replace the loss of capital punishment. It is little dreaded by the majority of the men, and is even less so by the women. Few of them have anything to lose ; any change must be for the better.

Lord Campbell observes, in his evidence :—

‘ I think that if the country is to send people abroad as emigrants, and to take care of them, if you call that transportation, that, instead of being a *punishment*, it may be a *reward*. ’

‘ If it be said, it can surely be made a punishment ! a consideration of the details for throwing convicts on a desert island, and ruling them when landed, will make anyone shrink from so fearful a responsibility. In whatever form it might be attempted, it would be surrounded with insuperable difficulties, keeping in mind that a watchful public would not long tolerate the dark atrocities of Norfolk Island. It would be next to impossible to avoid them unless the convicts were introduced in a small proportion to the thriving community among whom they might be set free, and there the object would be to make them happy. ’

‘ A satisfactory solution of this question may not be hoped for where the interests of the mother country and the colony are diametrically opposed : the former seeking to be relieved of her *worst* criminals, and to obtain a formidable punishment ; the latter desiring to receive only the best, and such as are likely to prosper.’

* * * * *

Operation of the Act 16 & 17 Vict. cap. 99.

The following Resolutions of the House of Commons refer to the working of the ticket-of-leave system :—

Resolution No. 13.—‘ That there has been much of misapprehension and exaggeration with regard to the conduct of persons released upon tickets of leave, who have been frequently confounded (even by several of the witnesses on this inquiry) under one common designation of ticket-of-leave men with convicts whose sentences had fully and absolutely expired.’

Resolution No. 14.—‘ That there is reason to believe that the conduct of a large proportion of the whole number of persons discharged upon tickets of leave has hitherto been good, and that in other cases persons so discharged have relapsed into crime from the difficulty, arising from their former characters becoming known, of procuring or retaining honest employment in this country, a difficulty, however, which obviously applies to all persons once convicted, whether discharged upon tickets of leave, or absolutely at the expiration of their sentences.’

In confirmation of this opinion, and to show the slender foundation of the present outcry, I subjoin the following statistics :—

The number of male convicts released on licence from September 1853 to December 1856, a period of three years and three months, has been as follows :—

From public works prisons	-	-	-	5,435
Juveniles from Parkhurst	-	-	-	495
Bermuda and Gibraltar	-	-	-	800
<hr/>				
				6,730
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Of the above there have been—

Licences revoked for trifling crimes	-	-	381
Men convicted of more serious crimes and sentenced to penal servitude or transportation	-	-	381
<hr/>			
			762
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Committed to prison but not yet convicted	-	-	80
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Total males	-	-	842
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Per-cent-age on the whole, 12½.

During the three years and a quarter that the practice has been in operation, there has, therefore, been an annual average of rather more than four per cent. of re-convictions.

With a view to the comparison of the behaviour of these men with that of what may be termed the criminal class, in regard to the commission of crime, I submit the following statement :—

During the three years and a quarter above referred to, the number of males convicted in England before the Courts, and those under summary conviction, may be stated in round numbers at about 235,000, and of these from 30 to 35 per cent would probably be re-committals.

From this it would appear that an average of rather more than *three* ticket-of-leave men have been found in every *thousand* who have been convicted, and that whilst the ratio of re-committals of men discharged from convict prisons has been only 12½ per cent. in three years and a quarter, the re-committals in ordinary prisons must have been about three times the amount. The ticket-of-leave men, taken as a section of the criminal class, are therefore far better conducted than their fellows.

These considerations lead me to the conclusion that the Resolutions of the House of Commons are most fully borne out by the facts. If the question be fairly considered, the real cause of alarm is to be found in the criminals who are released from ordinary prisons without tickets of leave, and it is to this point that I have particularly directed attention in my last report, page 25.

Mr. Clay, the chaplain of Preston, states his opinion, that ‘there are more really dangerous characters discharged from ordinary prisons in a fortnight than could be found among all the ticket-of-leave men liberated from Portland, Dartmoor, Parkhurst, and Portsmouth in a year.’”

Crimes.

Nor does the nature of the crimes for which 762 of the above convicts have had their licences revoked, or been again convicted, give a very serious view. The following is an analysis :—

Larceny	-	-	-	-	-	285
Uttering base coin, &c.	-	-	-	-	-	14
Against the Vagrant Act	-	-	-	-	-	56
For assaults	-	-	-	-	-	35
For assaults on police	-	-	-	-	-	29
For offences against the game laws	-	-	-	-	-	20
For desertion	-	-	-	-	-	10
For misdemeanour	-	-	-	-	-	35
Picking pockets and attempting ditto	-	-	-	-	-	15
Theft and reputed theft	-	-	-	-	-	86
Wilful damage	-	-	-	-	-	3
Total of minor crimes						588
Felony, housebreaking, &c.	-	-	-	-	-	97
Offences of a graver character :—						
Murder	-	-	-	-	-	1
Burglary	-	-	-	-	-	57
Robbery with violence	-	-	-	-	-	7
Highway robbery	-	-	-	-	-	1
Cutting and wounding	-	-	-	-	-	2
Arson	-	-	-	-	-	2
Forgery	-	-	-	-	-	7
						174
						762
Committed, but not yet convicted	-	-	-	-	-	80
Grand total	-					842

Administration of the Law.

As regards the administration of the law in connexion with the Act 16 & 17 Vict. c. 99. or in any enactment for altering its provisions, it would appear to be an object, in all cases where the crime would admit of it, and the individual appeared *confirmed* in his criminal habits, that a sentence of transportation, or a long one of penal servitude, should be passed. In cases, also, of men who forfeit their licences, and thus give proof that they could not withstand the temptation to resume their old courses in this country, it would be right not to afford them another opportunity, but to sentence them accordingly, in aggravated cases for life, in others for long periods. The criminals to which I would particularly refer as those most likely not to give up their practices are, receivers of stolen goods, burglars, robbers with violence, confirmed pickpockets, and, generally, thieves from large towns.

Discipline in ordinary Prisons.

This subject is so inseparably connected with the convict question, that I would venture to repeat a suggestion made in my Report for 1854-55, that it would be of importance at the present crisis to take a comprehensive view of the whole question of crime and punishment, with a view chiefly to define clearly the limits of imprisonment, to secure a greater degree of uniformity, and to enforce a more stringent and deterring punishment.

It may be assumed that the administration of the law will be affected, to a certain extent, by the comparatively small number sentenced to transportation, and by the public mind becoming familiarized with longer periods of imprisonment in this country than have been known in former times; the discipline to be enforced in county and borough prisons becomes, therefore, a matter of greater interest.

Before resorting to a minimum sentence of four years' penal servitude, the practice of passing sentences for terms of 18 months or two years might, with advantage, be adopted. Where the discretionary power of the judges is, in many cases, so unfettered as to the term of the sentence, and the justice of the case, taken in connexion with all the circumstances, opens so wide a field for its exercise, it is indeed an important question to determine on that period of imprisonment which will at the same time satisfy the ends of justice and be calculated to correct and reclaim, or at least, deter, the offender.

There is no disguising the fact that the present practice grievously fails in some of these objects, and it is well worth considering whether any, and what improvements could be generally introduced.

Suggested Alterations in Discipline, &c.

My view is, that during all short terms the discipline should be sufficiently stringent to deter from crime, and that during the longer ones the severity of the discipline should be relaxed, with a view to promote the reformation of the offender. It were useless to attempt this during all the shorter terms, and therefore if the discipline is to be exemplary in its character, it must be so either by the *duration of the period of confinement, or by its severity and the distasteful nature of the discipline.*

It has been shown, in the case of ticket-of-leave men, that comparatively few become again chargeable to the public, but it is far otherwise with ordinary criminals. This result may probably be due to many

causes, some of which are out of reach, but among them it is fair to infer that the following will hold a prominent position :—

First, short terms of imprisonment failing to deter, and affording an opportunity to reclaim the offender.

Secondly, there being no element in the discipline holding out encouragement to good conduct.

Thirdly, no assistance on discharge.

If the present very defective results of prison discipline be due to the large proportion of short terms (a fact which recent legislation has determined in the case of juveniles), it were easy to remedy the evil by abolishing them, and making any given number of months the minimum of imprisonment.

That question being settled, the more complicated one of a suitable discipline has to be considered. This opens a very wide field of discussion, which can only be safely entered on in a plain and practical way, not aiming at too much, and not being satisfied with anything less than appears calculated to effect the desired object.

Penal and Reformatory Objects.

It will be generally admitted that in carrying out a sentence of imprisonment, penal and reformatory objects should be equally kept in view, the penal element of discipline being first, not so much in importance as in order. Paley, however, says, "the end of punishment is twofold, amendment and example," thus placing the reformatory element first.

In practically dealing with this question there are many difficulties, arising chiefly from the fact that measures suitable for the suppression of crime by severity of punishment are not always adapted to reformatory objects, and *vice versa*.

Great caution, therefore, is necessary in maintaining the two elements in their due proportion, and judiciously introducing them according to circumstances.

Experience has sufficiently proved that the acquirement of good habits, and to some extent reformation of character, can only be promoted by affording a due degree of encouragement. During long periods of confinement, such as occur under a sentence of penal servitude, a remission of a portion of the term is an effective stimulus, but even during shorter periods it is better to lead than to drive; and this practice is not inconsistent with the enforcement of the most stringent discipline.

The questions of detail will naturally divide themselves into the discipline proper for sentences of imprisonment and penal servitude, respectively.

I will take the former to extend from a minimum of three or six months to any period about 18 months. The latter, extending from the shortest term of penal servitude to the longest, and to life, has been already adverted to.

Sentences of Imprisonment to be carried out in County and Borough Prisons.

During terms of imprisonment extending to a maximum of 18 months there is scarcely scope, nor is there necessity, so far as discipline is concerned, for a remission of any portion of the sentence. I should

therefore propose, during a sentence of 12 months and under, to afford encouragement by classification as in military prisons, and during the periods extending from 12 to 18 months, to grant some additional privileges corresponding to the stages of discipline of the convict prisons. I am induced to suggest 18 months, because such a sentence might without difficulty be carried out in county prisons.

I take separate confinement under regulations issued by the Secretary of State as the basis of the discipline to be generally enforced for all periods short of 12 months, to be relaxed during longer terms in favour of association under close supervision. In former reports I have entered more fully into the details of this question. (See Reports for 1850, 1851, and 1854).

Conclusion.

I would beg leave, in conclusion, to give a short summary of the foregoing observations, which may serve to direct attention to some of the principal questions.

First.—In considering the present system of secondary punishment, increased stringency would appear necessary at county or borough prisons, combined with greater encouragement to good conduct, and, above all, assistance to prisoners on discharge. It is no small class to which this would apply, the number annually convicted and imprisoned being from 70,000 to 80,000, of whom about 30 per cent. are re-convicted.

Second.—Penal servitude for the classes of crime heretofore visited with sentences of seven and ten years' transportation, banishment to a colony to be resorted to as a means of disposal after the penal part of the sentence had been endured. Such convicts as could not be received into a colony to be released at home.

3. The worst class of criminals to be effectually prevented doing mischief to others, either at home or in the colonies, by much longer periods of confinement on public works than have yet been resorted to. By long periods I mean for eight or 10 years, or penal servitude for life. These terms will effectually break up all former associations and greatly reduce the chance of a man again resorting to crime. If from circumstances it should be absolutely necessary afterwards to release any such prisoners at home, they might be placed under the close superintendence of the police, with a ticket of leave; and another conviction should ensure confinement for life.

4. All burglars, robbers, and highwaymen using violence, receivers of stolen goods, re-convicted prisoners, following crime as a profession, to be so dealt with.

5. If some such system as that here sketched out were adopted, I cannot but hope that it would secure a more effective punishment than either transportation or imprisonment have afforded for many years past. And if it were combined with preventive measures vigorously applied, it might be anticipated that the crime of the country would gradually be diminished.

20th Dec. 1856.

(Signed) J. JEBB.

Return showing the Number of Persons sentenced to Penal Servitude in Ireland in each Year, from the 1st July 1857, to the 31st December 1862, and the terms of Penal Servitude to which they were sentenced.

Terms of Penal Servitude.	1857. (From July 1 to December 31 inclusive.)			1858.			1859.			1860.			1861.			1862.*			Gross Total sen- tenced from July 1, 1857, to December 31, 1862, inclusive.					
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.			
3 Years	-	-	32	29	61	78	45	123	63	46	109	61	57	118	54	39	93	143	64	207	431	280	711	
4 Years	-	-	56	32	88	107	44	151	85	46	135	73	43	116	88	42	130	95	36	131	508	243	751	
5 Years	-	-	2	-	2	1	3	6	1	7	4	1	5	19	22	41	60	41	101	93	66	159		
6 Years	-	-	6	1	7	6	2	8	9	3	12	15	4	19	18	2	20	18	2	20	72	14	86	
7 Years	-	-	8	3	11	22	15	37	27	5	32	36	11	47	40	16	55	32	6	38	165	55	220	
8 Years	-	-	1	-	1	4	-	4	-	3	-	3	3	3	3	6	2	1	3	13	4	17		
9 Years	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	-		
10 Years	-	-	20	-	-	23	1	-	24	20	3	23	10	4	14	12	1	13	41	7	48	126	16	142
14 Years	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	17	3	20	22	3	
15 Years	-	-	3	-	3	3	-	3	-	1	-	1	-	-	1	2	2	4	10	2	12	25		
20 Years	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4	-	-	4	-	4	-		
Life	-	-	8	-	8	5	-	5	-	3	-	3	5	-	5	2	-	2	5	-	5	28		
Totals	-	-	136	65	201	250	108	358	218	104	322	211	120	331	244	124	368	415	162	577	1,474	683	2,157	

* The Numbers given for 1862 are an approximation, as the Returns for the present Hilary Session will not be furnished to this Office until the close of the Sessions, and will include such Convicts as were sentenced towards the end of December 1862. A Supplementary Return of the correct numbers for this column will be furnished when they can be ascertained.

(Signed) J. T. Wharry, Director.

APPENDIX D.

GENERAL STATISTICS.

No. 1.—Number and Disposal of Male Convicts during the Year 1862.
On the 1st January 1862—

The number of Male Convicts remaining in Convict Prisons was	- - - - -	6,313
Received during the year, as follows :		
Under fresh sentences	- - - - -	2,838
,, revocation of licences	- - - - -	41
From Gibraltar and Bermuda	- - - - -	420
,, Lunatic Asylums	- - - - -	3
Recaptured	- - - - -	2
Total convict population during the year	- - - - -	9,617
Disposed of during the year	- - - - -	3,037
Remaining on 31st December 1862	- - - - -	6,580

DISPOSAL OF MALE CONVICTS during the year 1862.

Removed to Western Australia	- - - - -	590
,, Gibraltar	- - - - -	350
Liberated—		940
Under an Order of Licence	- - - - -	1,830
On expiration of sentence	- - - - -	147
Pardoned conditionally	- - - - -	5
Licensed on medical grounds	- - - - -	2
Free pardons	- - - - -	9
Escaped	- - - - -	5
Deaths	- - - - -	58
Removed to—		63
Lunatic asylums	- - - - -	26
County Prisons and Spike Island	- - - - -	15
Total number disposed of	- - - - -	41
Remaining in Convict Prisons on 31st December 1862	- - - - -	3,037
Total Male Convict Population	- - - - -	6,580
		9,617

No. 2.—Number and Disposal of Female Convicts during the year
1862.

On the 1st January 1862—

The number of Female Convicts remaining in Con-
vict Prisons, was - - - - - 1,220

Received during the year, as follows :

Under fresh sentences - - - - - 453
Revocation of Licences - - - - - 10

Total Female Population - - - - - 1,683
Disposal of Convicts during the year - - - - - 413

Remaining on 31st December 1862 - - - - - 1,270

DISPOSAL OF FEMALE CONVICTS.

Liberated—

Under Orders of Licence - - - - - 877
On expiration of sentence - - - - - 16
Pardon, conditionally - - - - - 1
Licensed, on medical grounds - - - - - 5

399

Removed to lunatic asylums - - - - - 6

Deaths - - - - - 8

14

Total number disposed of - - - - - 413

Remaining in Prison 31st December 1862 - - - - - 1,270

Total Female Population - - - - - 1,683

Embarcation.

No. 5.—STATEMENT showing the NUMBER of CONVICTS sent to WESTERN AUSTRALIA and to the Public Works Prisons at GIBRALTAR and Bermuda from the 1st January 1857 to 31st December 1862.

Name of Ship.	Date of Sailing.	DESTINATION.			TOTAL.
		W. Australia.	Gibraltar.	Bermuda.	
Clara	March 1857	262	—	—	
Zemindar	April "	—	—	300	
Hamilton Mitchell	May	—	200	—	
Nile	Sept.	270	—	—	
Lady McNaughten	Nov.	—	200	—	
Lord Raglan	March 1858	270	—	—	
True Briton	Feb.	—	—	320	
Edwin Fox	August "	280	—	—	
True Briton	Sept.	—	—	320	
Saltana	May 1859	224	—	—	
Violet	June "	—	140	—	
Sir John Lawrence	Nov.	—	—	281	
Lord Palmerston	Nov. 1860	296	—	—	
Lincelles	Sept. 1861	306	—	—	
Lord Dalhousie	Nov.	—	304	—	
Norwood	March 1862	290	—	—	
Ironsides	August "	—	350	—	
York	Sept. "	300	—	—	
Total	—	2,498	1,194	1,221	4,913

Reconviction of Prisoners.

No. 6.—RETURN of the NUMBER of MALE and FEMALE PRISONERS in the CONVICT PRISONS and the COUNTY and BOROUGH PRISONS respectively on the 1st of October 1862, showing the Number and Per-centage of Prisoners among them who, at any Period since January 1854, had been subjected to a Sentence of Transportation or Penal Servitude.

MALES.

Servitude.	Population.	Accumulation of re-convicted Prisoners.	Per-centage of Accumulations.
In the Convict Prisons - - -	6,456	990*	15·3*
,, County and Borough Prisons	11,603	547	4·8

FEMALES.

Servitude.	Population.	Accumulation of re-convicted Prisoners.	Per-centage of Accumulations.
In the Convict Prisons - - -	1,210	687	15·4
,, County and Borough Prisons	2,936	115	3·9

* The number in the convict prisons is the accumulation during a period of several years.

No. 7.—MALE Convicts' REVOCATIONS OF LICENCE AND RECONVICTIONS.

RETURN of the NUMBER of Orders of Licence received for the release of MALE CONVICTS in each year, from October 1853 to December 1862, showing the Number returned to the Convict Prisons, either by having had their Licence revoked for trifling offences, or being sentenced to Penal Servitude or Transportation.

Explanation.

From the foregoing Return, No. 7, it will be seen 1st, that 12,332 licences have been issued to the Directors for the release of Male Convicts from the different Convict Prisons since the commencement of the system in October 1853, out of which 2,178 of the holders have been reconvicted and again sentenced to penal servitude or transportation, or a per-cent-age of 17·7, being 1·9 per cent. per annum during the 9½ years of its operation.

2nd, That from among the 12,332 licence holders 1,585 or 12·8 per cent. were returned to the Convict Prisons for larceny and light offences; and 593 or 4·8 per cent. for offences of a graver character: being 1·4 per cent. annually of light offences, and 0·5 of more serious crimes, during the 9½ years.

4,203 convicts have been transported to West Australia during the years 1853 to 1862, out of which it may be assumed from the reports received that from 5 to 8 per cent. only may have relapsed into crime. This, if taken into account, would improve the average result of the English system.

Nature and Extent of Crimes.

No. 8.—As regards the NATURE of the CRIMES for which the 897 MALE CONVICTS had their Licences only revoked, and the 1,281 who have been reconvicted for fresh offences, out of 12,332 who have been released, the following is an analysis:—

Convicted of the lighter Offences of

Larceny	-	-	-	-	796
Offences against Vagrant Act	-	-	-	-	133
Assault on police	-	-	-	-	34
Desertion	-	-	-	-	18
Picking pockets	-	-	-	-	32
Assault	-	-	-	-	134
Offences against Game Laws	-	-	-	-	23
Theft, misdemeanor, and other offences	-	-	-	-	415
				—	1,585

Convicted of Offences of a graver Character.

Murder	-	-	-	-	2
Forgery, and uttering forged notes or base coin	-	-	-	-	60
Burglary	-	-	-	-	121
Robbery	-	-	-	-	49
", with violence	-	-	-	-	21
Highway robbery	-	-	-	-	6
Cutting and wounding	-	-	-	-	10
Felony, housebreaking, sheep stealing, &c.	-	-	-	-	319
Arson	-	-	-	-	4
Rape	-	-	-	-	1
				—	593
Total	-	-	-	—	2,178
				—	

FEMALE Convicts.—REVOCATIONS AND RECONVICTION.

No. 9.—RETURN of the NUMBER of ORDERS of LICENCE received for the Release of FEMALE Convicts in each year, from October 1853 to 31st December 1862; showing the Number returned to Convict Prisons, either by having their Licence revoked for trifling offences, or being sentenced to Penal Servitude or Transportation.

Years.	Number Licensed.	Years.						Years.						Years.					
		1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	1866.	1867.	1868.		
From October, 1853, to 31st Dec. 1854.	40	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Year 1855.	115	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1856.	221	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1857.	55	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1858.	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1859.	29	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1860.	183	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1861.	301	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
" 1862.	386	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	1348	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Total Rebroken.		Rebroken.						Rebroken.						Rebroken.					
Grand Total.		Rebroken.						Rebroken.						Rebroken.					
Total Recommitted.		Recommitted.						Recommitted.						Recommitted.					
Grand Total.		Recommitted.						Recommitted.						Recommitted.					
Years and Months.		Per-centaged.						Per-centaged.						Per-centaged.					
Y. M.		2.5						2.5						2.5					

No. 9 (*continued*).—THE following shows PARTICULARS referring to FEMALE CONVICTS.

Year.	Number of Prisoners Licensed.	Period within which the Relapses occurred.		Annual Percentage of Relapses on the whole Number.
		Years.	Months.	
From Oct. 1853 to Dec. 31st, 1854	40	9	3	8
Year 1855.	115	8	0	3·3
" 1856.	221	7	0	4·1
" 1857.	55	6	0	4·5
" 1858.	18	5	0	2·2
" 1859.	29	4	0	5·1
" 1860.	183	3	0	1·4
" 1861.	301	2	0	4·9
" 1862.	386	1	0	5·1

As regards the nature of the crimes for which the 82 female convicts had their licences only revoked, and the 90 who have been reconvicted for fresh offences, 155 have been convicted of the lighter offences of larceny, vagrancy, &c., and 17 only of the graver crimes of uttering base coin, robbery, &c.

No. 10.—RETURN showing the Proportion of Convictions of Male and Female Convicts released on Licence during 8 Years, as compared with the Convictions of Male and Female Prisoners for similar Offences during the same Period :—

Offences of a grave character committed by Licensed Male and Female Prisoners released since January 1, 1854, or in 8 years.	Number of Male and Female Prisoners convicted in England and Wales of Offences of a grave character, from January 1854 to December 1861, or in 8 years.									Per Cent. of Licence Holders.
	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	Total.	
Murder - - - 2	11	11	31	20	16	18	16	26	149	1·3
Forgery, and uttering forged notes or base coin, &c.	55	855	797	757	830	793	696	579	657	5,964
Burglary - - - 106	388	394	528	473	407	308	332	445	3,275	3·2
Robbery, and highway robbery.	67	263	267	272	336	263	264	167	245	2,077
Cutting and wounding	9	97	205	186	189	132	137	133	150	1,229
Housebreaking, cattle and sheep stealing, &c.	303	959	825	1,069	1,118	879	727	663	919	7,159
Arson - - - - 4	69	64	64	59	50	79	69	105	559	·7
Rape - - - - 1	41	38	45	57	58	56	53	36	384	·2
Minor Offences - - 1,567	20,364	17,370	11,782	12,325	10,648	10,185	10,056	11,296	103,926	1·5
Total - - - 2,114	23,047	19,971	14,734	15,357	13,246	12,470	12,068	13,879	124,722	1·6

ENGLAND.

No. 11.—RETURN of the NUMBER of MALE PRISONERS SENTENCED to Penal Servitude in each year, from 1857 to 1862 inclusive, who had been previously sentenced to Penal Servitude or Transportation, showing the Sentences passed upon Reconviction.

YEARS.	Sentences passed on Reconvictions.												Number of Convicts sentenced in each Year, who had been previously Sentenced to Penal Servitude or Transportation.	Number of Convicts received in the different Convict Prisons under fresh Sentences.	Per Centage of the 2,568 Convicts who have been re-convicted upon the 14,544 Convicts received under fresh Sentences.					
	Years		Years		Years		Years		Years		Years									
	3	4	5	6	7	8	9	10	11	12	13	14								
The Number of Prisoners Sentenced as above from the year 1857 to 1862 inclusive.																				
1857	4	89	15	93	24	18	1	47	3	1	16	20	—	10	6	1	13	361	2,748	13·4
1858	19	55	13	66	38	28	—	58	2	—	5	13	1	5	2	—	4	309	2,291	13·0
1859	17	58	23	57	37	41	2	40	4	—	5	13	—	8	1	—	3	309	2,119	14·5
1860	12	83	34	93	48	40	—	70	—	—	4	10	—	4	1	—	10	409	2,154	18·9
1861	44	104	49	133	80	39	—	86	7	—	6	12	—	2	1	—	5	569	2,344	25·2
1862	61	99	65	112	67	47	—	113	6	—	11	17	—	7	—	—	6	611	2,888	21·1
	157	488	199	554	294	213	3	414	22	1	47	85	1	36	11	1	41	2,558	14,544	17·6

PAYMENTS OF GRATUITIES.

No. 12.—RETURN of Information, &c., showing the result obtained relative to Gratuities due to Convicts released from Public Works and Invalid Prisons by Order of Licence up to the 31st December 1862.

PRISONS.	Total number discharged by Licence.	Number to whom Balances have been due.	Number who have applied for Balances.	Result of Application.		By whom certified.			Gratuity falling short of the Regulations, paid on Discharge, &c.		
				Satisfactory.	Unsatisfactory.	Clergymen.	Magistrates.	Discharged Prisoners' Aid Society.			
Portland	2,763	2,266	1,946	1,939	7	1,080	283	283	300	497	
Portsmouth	-	2,327	1,829	1,563	1,550	13	960	276	266	61	498
Chatham	-	889	884	779	772	7	271	71	347	83	55
Dartmoor	-	2,151	1,413	1,288	1,288	Nil	763	172	165	188	738
Woking	-	844	227	207	207	Nil	76	23	68	40	617
Broadmoor	-	122	118	89	89	Nil	26	13	43	7	4
	9,096	6,687	5,872	5,845	27	3,176	338	1,172	679	2,409	

NUMBER of Convicts annually sentenced to Transportation and Penal Servitude in Great Britain, and the numbers actually transported to Australia, from 1842 to 1862 inclusive.

Year.	Sentenced to Transportation.	Sentenced to Penal Servitude.	Total.	Transported to Australia.
1842	4,481	—	4,481	4,166
1843	4,448	—	4,448	2,993
1844	3,651	—	3,651	3,279
1845	3,247	—	3,247	2,542
1846	3,157	—	3,157	1,708
1847	3,262	—	3,262	1,222
1848	3,600	—	3,600	1,897
1849	3,202	—	3,202	1,609
1850	3,173	—	3,173	2,465
1851	3,338	—	3,338	2,440
1852	2,896	—	2,896	2,541
1853	2,086	623	2,709	600
1854	360	2,382	2,742	280
1855	375	2,215	2,590	485
1856	345	2,370	2,715	498
1857	138	2,703	2,841	532
1858	—	2,419	2,419	550
1859	—	2,383	2,383	224
1860	—	2,436	2,436	296
1861	—	2,678	2,678	306
1862	—	3,369	3,369	782

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SENTENCES to Penal Servitude in Great Britain from 1st July to 31st December 1857, and for each of the five following Years.

ENGLAND.

Year.	Life.	Above 15 Years.	15 Years and above 10 Years.	10 Years and above 6 Years.	6 Years and above 4 Years.	4 Years.	3 Years.	Total.
1857	14	22	61	231	203	446	231	1,208
1858	17	18	31	380	372	867	495	2,130
1859	17	21	51	322	398	777	584	2,170
1860	21	16	32	302	417	767	664	2,219
1861	16	14	62	385	491	777	705	2,450
1862	25	37	83	506	590	768	1,145	3,154
						Total	-	18,381

SCOTLAND.

**STATISTICS of CRIME in ENGLAND and WALES, SCOTLAND and
IRELAND, from 1857 to 1861.**

ENGLAND AND WALES.

STATISTICS of Crime in England and Wales since 1857, inclusive.

1857.

Committed for trial -	-	-	-	20,269
Convicted -	-	-	-	15,307
Sentenced to Transportation -	-	-	-	110
" Penal Servitude -	-	-	-	2,473

4 years	-	-	-	1,331
3 ,,	-	-	-	244
				1,575
Above 4 years	-			1,008

1858.

Committed for trial -	-	-	-	-	-	17,856
Convicted	-	-	-	-	-	13,246
Penal Servitude	-	-	-	-	-	2,130
4 years	-	-	-	-	867	
3 ,,	-	-	-	-	495	
						1,362
Above 4 years	-				768	

1859.

Committed for trial	-	-	-	-	-	16,674
Convicted	-	-	-	-	-	12,470
Penal Servitude	-	-	-	-	-	2,170
4 years	-	-	-	-	-	777
3 ,,	-	-	-	-	-	584
						<hr/>
Above 4 years	-					1,361
						809

1860.

Committed for trial	-	-	-	-	-	15,999
Convicted	-	-	-	-	-	12,068
Penal Servitude	-	-	-	-	-	2,219
4 years	-	-	-	-	-	767
3 ,,	-	-	-	-	-	664
						<hr/>
Above 4 years	-					1,431
						788

1861.

Committed for trial	-	-	-	-	-	18,326
Convicted	-	-	-	-	-	18,879
Penal Servitude	-	-	-	-	-	2,450
4 years	-	-	-	-	-	777
3 ,,	-	-	-	-	-	705
						<hr/>
Above 4 years	-					1,482
						968

IRELAND.

CRIMINAL STATISTICS of Indictable Offences in Ireland, from 1857 to 1861 inclusive.

1857.

Committed for trial	-	-	-	-	-	7,210
Convicted	-	-	-	-	-	8,925
Transportation	-	-	-	-	-	40
Penal Servitude	-	-	-	-	-	396
						<hr/>
4 years	-	-	-	-	-	322
3 ,,	-	-	-	-	-	0
						<hr/>
Above 4 years	-					322
						114

1858.

Committed	-	-	-	-	-	6,308
Convicted	-	-	-	-	-	3,350
Penal Servitude	-	-	-	-	-	340
4 years	-	-	-	-	-	141
3 ,,	-	-	-	-	-	120
						<hr/>
Above 4 years	-					261
						79

1859.

Committed	-	-	-	-	-	5,865
Convicted	-	-	-	-	-	3,109
Penal Servitude	-	-	-	-	316	
4 years	-	-	-	135		
3 "	-	-	-	106		
					241	
Above 4 years	-	-	75			

1860.

Committed	-	-	-	-	-	5,386
Convicted	-	-	-	-	-	2,979
Penal Servitude	-	-	-	-	297	
4 years	-	-	-	107		
3 "	-	-	-	115		
				222		
Above 4 years	-	-	75			

1861.

Committed	-	-	-	-	-	5,586
Convicted	-	-	-	-	-	3,271
Penal Servitude	-	-	-	-	354	
4 years	-	-	-	129		
3 "	-	-	-	89		
				218		
Above 4 years	-	-	136			

COMPARATIVE INCREASE OF SENTENCES TO PENAL SERVITUDE.

ENGLAND.

1860	-	-	-	-	-	2219
1862	-	-	-	-	-	3154
					Increase 42 per cent.	

IRELAND.

1860	-	-	-	-	-	297
1862	-	-	-	-	-	577
					Increase 94.28 per cent.	

RETURNS FROM COLD BATH FIELDS.

The great House of Correction at Cold Bath Fields is a pretty safe barometer, to which we can refer for the fluctuations of crime in all its phases.

The Special Report of the Visiting Justices issued at the January General Quarter Sessions, 1863, "embodies various statistics relating to the state of crime, so far as is connected with the male population of the county, and exhibits in a tabular view the comparative number and classes of offenders received within the prison for the five years preceding Michaelmas 1862," of which the following are the most important, viz., Nos. I., IV., V., and VI.

“ TABLE I.—Showing the number of Prisoners committed to Cold Bath Fields Prison in the following Years, who were previously committed :—

Number of Times previously commited.	From Michaelmas 1857 to the same period 1862.				
	1857-8.	1858-9.	1859-60.	1860-1.	1861-2.
Once - - - - { Summary	1,899	1,394	1,246	1,466	1,562
Sessions 234	306	255	284	328	
Twice - - - - { Summary	594	496	426	501	567
Sessions 87	83	134	123	122	
Thrice - - - - { Summary	190	190	197	199	258
Sessions 21	30	43	50	54	
Four times or more - { Summary	242	243	344	359	422
Sessions 11	36	60	55	73	
	3,278	2,778	2,705	3,027	3,386

“ TABLE IV.—Terms of Imprisonment of all Prisoners committed to Cold Bath Fields Prison during the following Years :—

From Michaelmas 1857 to the same period 1862.			Under 14 Days.	14 Days and under 1 Month.	1 Month and under 2 Months.	2 Months and under 3 Months.	3 Months and under 6 Months.	6 Months and under 1 Year.	1 Year and under 2 Years.	2 Years and upwards.	Total Committals.
			1857-8	1,866	1,590	1,783	785	1,143	327	—	
	Summary		1,866	1,590	1,783	785	1,143	327	—	—	7,497 } 8,438
	Sessions	6	5	30	30	147	331	241	29	125	944 } 8,438
	Summary	1,460	1,236	1,423	613	1,027	254	—	—	—	6,013 } 7,068
	Sessions	3	4	17	23	139	323	327	28	191	1,055 } 7,068
	Summary	1,448	1,245	1,299	567	956	244	—	—	—	5,759 } 6,938
	Sessions	8	13	39	44	160	270	329	55	261	1,179 } 6,938
	Summary	1,890	1,443	1,604	618	1,129	319	—	—	—	6,903 } 8,065
	Sessions	16	5	64	40	130	271	334	70	232	1,163 } 8,065
	Summary	2,146	1,764	1,672	747	1,209	352	—	—	—	7,890 } 9,261
	Sessions	18	5	27	40	150	361	438	77	235	1,371 } 9,261

“ TABLE V.—Showing the Number of Prisoners received into Cold Bath Fields Prison who have been sentenced to Penal Servitude during the following Years :—

From Michaelmas, 1857 to the same period 1862.			3 Years and under 6 Years.	6 Years and under 8 Years.	8 Years and upwards.	Total.	
			1857-8	92	21		
			1858-9	138	30	23	191
			1859-60	200	27	34	261
			1860-1	186	37	9	232
			1861-2	185	37	33	255

TABLE VI.—Showing the Number of Prisoners committed to Cold Bath Fields Prison under Summary Convictions for the following Years :—

Description of Offence.	From Michaelmas 1857 to the same period 1862.				
	1857-8.	1858-9.	1859-60.	1860-1.	1861-2.
Under the Mutiny Act - - -	138	177	83	50	29
" Game Laws - - -	16	10	12	12	27
" Revenue " - - -	53	31	30	55	59
" Bastardy " - - -	22	26	27	29	40
" Vagrant Act - - -	1,425	982	1,042	1,221	1,285
" Larceny " - - -	1,046	781	765	1,039	1,096
" Poor Law " - - -	112	172	90	169	187
" Juvenile Offenders Act - - -	—	—	64	324	272
" Metropolitan or Local Police " - - -	2,298	1,829	1,961	2,215	2,608
Common Assaults - - -	2,377	1,967	1,665	1,778	2,270
Known or Reputed Thieves - - -	7	38	20	11	17
Summarily committed - - -	7,494	6,013	5,759	6,908	7,890
Convicted at Sessions - - -	944	1,055	1,179	1,162	1,371
Total Committals - - -	8,438	7,068	6,938	8,065	9,261

ROBBERIES WITH VIOLENCE AND BURGLARY.

The following very important return shows the comparatively small number of ticket of leave men or discharged convicts who have been apprehended as being concerned in crimes of violence.

METROPOLITAN POLICE.

COMPARATIVE STATEMENT of Cases of Robbery from the Person with Violence, and Burglary, showing the Number of Persons apprehended, from the 1st July and 31st December inclusive, during the Years 1860, 1861 and 1862.

Year.	Number of Cases.			Number apprehended.			Characters, as far as known, of persons apprehended.				
	Robbery with Violence.	Burglary.	Total.	For Robbery with violence.	For Burglary.	Total.	No. on Ticket of Leave.	Returned Convicts after Penal Servitude.	No. previously convicted, not sentenced to Penal Servitude.	Known Thieves or Associates of Thieves.	Characters unknown.
1860	18	106	124	18	54	72	-	7	18	18	29
1861	17	103	120	21	52	73	2	8	24	10	29
1862	82	143	225	92	77	169	4	13	66	34	52

MONTHLY SUMMARY of CASES.

Year.	Burglary.							Robbery with Violence.						
	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
2186	26	12	30	32	20	23	143	11	11	2	12	32	14	82

TICKET-OFF-LEAVE CONVICTS.

A Nominal List of all Persons whose TICKETS OF LEAVE have been cancelled within the last Two Years, stating in each Case the Grounds of WITHDRAWAL, the DATE of the ORIGINAL Conviction, the PERIOD of PENAL SERVITUDE to which sentenced, and the DATE of the GRANT of the TICKETS OF LEAVE ; and if withdrawn in consequence of a SECOND CONVICTION, the DATE of such Conviction and the OFFENCE of which convicted, to February 1863.

No.	Name of Convict.	Date of Conviction.	Sentence.	Date of Licence.	Cause of Revocation of Licence.	Second Conviction.	
						Date.	Offence.
1861.							
1	George Grey (alias Chas. Woodward)	13 July 1850	14 Years	8 April 1856	Conviction of fresh Offence	-	Burglary.
2	Samuel Webster (or Taylor)	10 July 1858	3 "	5 Nov. 1860	Do. -	27 Dec. 1860	Vagrancy. —
3	Thomas Smith (or North or Forsyth).	10 Mar. 1853	10 "	26 Feb. 1857	Charged with a fresh Offence while the Holder of a Second Ticket of Leave.	-	Wilful Damage.
4	James Wilson (or Topley)	7 July 1857	4 "	30 Nov. 1860	Conviction of fresh Offence	18 Mar. 1861	Vagrancy.
5	James Wright (or Lroseby)	4 Mar. 1852	15 "	12 Nov. 1858	Do. -	12 Feb. "	Assault.
6	Hugh Collins	8 Mar. 1853	10 "	26 Feb. 1857	Do. -	5 Mar. "	Theft.
7	Helen McLauchlan	28 Sept. 1854	15 "	11 Mar. 1861	Do. -	-	Larceny.
8	Abel Fisher (or William Burton)	4 Mar. 1852	10 "	19 July 1856	Do. -	16 May " "	Vagrancy.
9	Henry Bloor	10 Dec. 1857	4 "	28 Feb. 1861	Do. -	18 April " "	Do.
10	William Jamieson	20 May 1853	10 "	17 May 1856	Do. -	6 May " "	Larceny.
11	Thomas Pawsey	6 Jan. 1854	14 "	31 Dec. 1859	Do. -	14 May " "	Assault.
12	William Battle	16 July 1853	14 "	30 June 1859	Do. -	9 July 1860	Larceny.
13	Henry Denham	21 Oct. 1855	20 "	3 May 1858	Do. -	4 April 1861	Assault.
14	Zaccheus Greenwood	8 Dec. 1858	3 "	31 May 1861	Do. -	13 July "	Larceny.

No.	Name of Convict.	Date of Conviction.	Sentence.	Date of Licence.	Cause of Revocation of Licence.	Second Conviction.	
						Date.	Offence.
1861— <i>cont.</i>							
15	Thomas Eburne (or Joseph Cooper)	2 Aug. 1850	Life	31 Aug. 1860	Conviction of fresh Offence	30 July 1861	Wounding.
16	James Thos. Barracough	31 July	15 Years	30 Jan. 1857	Reported to have been engaged in Three Robberies.	—	—
17	Mary Ann Slack	5 Mar. 1859	4 "	5 July 1861	Larceny.		
18	Edward Smith	14 Mar. 1853	10 "	21 July 1857	Conviction of fresh Offence	15 Oct. "	
19	Catherine Molloy (or Mary Kenny).	23 June 1858	4 "	30 Sept. 1861	Do.	4 Oct. "	Poaching.
20	Anthony Coyer	9 April	4 "	31 Aug. 1861	Do.	18 Oct. "	Larceny.
21	Joseph Harrup	28 June	4 "	30 April "	Do.	—	Do.
22	Henry Manning	29 Sept. 1848	14 "	14 Mar. 1854	Do.	18 Nov. "	Disorderly Conduct in Workhouse.
						2 Dec. "	Unlawful Possession of Goods.
						14 Dec. "	
1862.							
1	Eliza Fossit	1 Aug. 1859	3 Years	31 Dec. 1861	Charged with Larceny, of which she admitted her Guilt.	—	—
2	James Glaney	23 Aug. 1855	7 "	6 Nov. 1861	Conviction of fresh Offence	4 Feb. 1862	Larceny.
3	Alfred Webster	4 Jan. "	10 "	31 July 1861	Do.	28 Feb. 1862	Uttering base Coin.
4	John Clark (or Perkins)	3 July 1848	20 "	14 Mar. 1854	Do.	25 Nov. 1861	Receiving stolen Notes
5	Charles Gooding	4 Aug. "	15 "	14 April 1855	Do.	20 Mar. 1862	Larceny.
6	Ann Warner	29 June 1857	6 "	31 Dec. 1861	Do.	—	Vagrancy.
7	John Worrell	13 Nov. 1854	14 "	22 Sept. 1860	Do.	—	Larceny.
8	George Picton (or Henry Hudson)	11 Oct. 1858	4 "	31 Dec. 1861	Do.	9 April 1862	Reputed Thief.
9	John Baron (or Ward)	22 Nov. 1858	4 "	31 Jan. 1862	Do.	25 Mar. 1862	Larceny.
10	William Madden (or Felix Keegan)	22 Nov.	"	4 "	Do.	3 April 1862	Reputed Thief.
						1 April "	

No.	Name of Convict.	Date of Conviction.	Sentence.	Date of Licence.	Cause of Revocation of Licence.	Second Conviction.		
						Date.	Offence.	
1862.—cont.								
11	James McNair -	-	-	13 Oct. 1856	6 Years	31 Dec. 1861	Reported by the police to associate with thieves, and to have no lawful means of subsistence.	
12	John Wynn -	-	-	10 Oct. 1859	3 "	31 Mar. 1862	Conviction of fresh offence	
13	William Boyer -	-	-	21 Oct. 1858	4 "	31 Jan. "	Do.	
14	Jane Ennis (or Maguire) -	-	-	22 Feb. "	5 "	28 Feb.	Do.	
15	George Durrant (or Thomas Morris).	-	-	11 Mar. 1850	Life	23 April 1860	Do.	
16	François Cauvet -	-	-	22 Oct. 1857	7 Years	29 Sept. "	Do.	
17	Mary Jackson -	-	-	11 Aug. 1855	15 "	31 Jan. 1861	Do.	
18	Samuel Sheldardine (or James Pearson).	-	-	5 Jan. 1859	4 "	31 Mar. 1862	Do.	
19	John Smith (or George Hughes) -	-	-	15 Dec. 1851	15 "	31 May 1858	Do.	
20	George Clelowne -	-	-	3 Jan. 1859	4 "	31 Mar. 1862	Do.	
21	Hannah Leybourne -	-	-	2 Jan. 1860	3 "	30 June "	Do.	
22	John Gaskell -	-	-	6 Nov. 1854	10 "	30 April "	Do.	
23	Annie Shehan (or Mary E. James)	-	-	20 Oct. 1857	6 "	31 Mar. 1861	Do.	
24	George Croft (or Parker) -	-	-	27 Dec. 1858	4 "	31 Dec. 1861	Reported to be the associate of thieves, and a dangerous character.	
25	Catherine Wilkinson (or Jones)	-	-	7 Dec. 1857	6 "	31 May 1862	Conviction of fresh offence	
26	Peter Martin (or Keegan) -	-	-	3 Jan. 1859	4 "	31 Mar. "	Do.	
27	Thomas Williams -	-	-	8 Aug. 1857	6 "	3 April "	Do.	
28	George Hall (or Smith) -	-	-	11 Mar. 1851	15 "	15 Jan. 1858	Do.	
29	George McDougall -	-	-	10 May 1858	10 "	23 April 1860	Do.	
30	Samuel Chatwin (or Craven)	-	-	30 Mar. 1850	15 "	9 Sept. 1856	Do.	
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No.	Name of Convict.	Date of Conviction.	Sentence.	Date of Licence.	Cause of Revocation of Licence.	Second Conviction.	
						Date.	Offence.
1862—cont.							
31	Ellen Ramsay (or Flanigan)	19 May 1858	5 Years	30 April 1862	Conviction of fresh offence	10 Sept. 1862	Disorderly conduct.
32	Mary Glass	21 July 1851	14 "	3 May 1856	Do.	5 Sept.	Illegally selling spirits and keeping a brothel
33	Matthew Dolan	2 May 1859	4 "	31 July 1862	Reported to have been living by plunder ever since released.	—	—
34	John Pearce	9 April 1860	3 "	30 Sept. 1861	Reported by police to be the associate of thieves.	—	—
35	James Johnson (or Wilson)	25 June 1857	6 "	3 April 1862	Conviction of fresh offence	25 Aug.	Reputed thief.
36	John White (or Howell)	4 April 1859	4 "	30 June "	Reported to associate with thieves, after having been warned by the police.	"	—
37	James Clarke (or Tierney)	19 May 1858	5 "	31 May 1861	Conviction of fresh offence	17 Sept.	Larceny.
38	Margaret Kenneth (or Cook)	19 Feb. 1855	15 "	7 Aug. 1861	Do.	25 Oct.	Do.
39	Sarah Wilson	21 July 1851	14 "	3 May 1856	Do.	6 Sept.	Do.
40	John Hennessy	21 Mar. 1857	6 "	31 May 1862	Do.	22 Sept.	Assault.
41	William Edwards	1 Mar. 1860	3 "	30 Aug. 1861	Do.	4 Oct.	Disorderly conduct.
42	John Smith (or Hartman)	28 Oct. 1857	6 "	31 Mar. 1862	Do.	22 Sept.	Larceny.
43	Robert Gibeon	24 July 1858	5 "	30 June 1861	Do.	8 Sept.	Vagrancy.
44	William Warris	3 July 1857	6 "	3 April 1861	Do.	6 Oct.	Disorderly conduct.
45	Thomas Doherty	6 Mar. 1852	15 "	19 Oct. 1858	Do.	25 Sept.	Cheating at cards.
46	Jacob Rogers	8 July 1858	5 "	30 Sept. 1862	Do.	14 Oct.	Larceny.
47	Joseph Tonge	14 Feb. 1860	3 "	31 July 1862	Do.	29 Oct.	Vagrancy.
48	William Hargraves (or Rawlings)	6 June 1859	4 "	30 Aug. 1862	Do.	15 Oct.	Larceny.
49	Isaac Regrah (or Pengelly)	4 Feb. 1856	8 "	31 July 1862	Do.	30 Oct.	Assault.
50	Robert Siddall	28 June 1859	4 "	31 Aug. 1860	Do.	17 Nov.	Vagrancy.
51	Mary Ann Parsons	27 Mar. 1860	3 "	Do.	Reported to be a disorderly prostitute, associating with bad characters.	"	—

No.	Name of Convict.	Date of Conviction.	Date of Licence.	Sentence.	Cause of Revocation of Licence.	Second Conviction.	
						Date.	Offence.
1862.— <i>cont.</i>							
52	Arthur Campbell (or Lovell)	- 7 Mar. 1860	3 Years	31 Aug. 1862	Conviction of fresh offence	23 Nov. -	Disorderly conduct.
53	Ann Welsh - - -	- 5 Mar. "	3 "	Do.	Reported to be a disorderly prostitute, and to have been three times charged with robbery since release.	Do.	-
54	Francis Mason - - -	- 17 Mar. 1855	15 "	31 Aug. 1861	Conviction of fresh offence	9 Dec. "	Larceny,
55	Joseph Simpkins - - -	- 9 April 1860	3 "	30 Sept. 1862	Do.	Do.	Absconding with
56	Robert M'Connell - - -	- 19 Mar. "	3 "	30 Aug. "	Reported to be leading an idle life, and to associate with thieves.	Do.	workhouse clothing.
57	Thomas Davies - - -	- 21 Mar. 1859	4 "	31 July "	Do.	-	-
58	James Navin (or Carthy) -	- 9 April 1860	3 "	30 Sept. "	Do.	-	-
59	William Wood (or Henley) -	- 22 Aug. 1859	4 "	31 Oct. "	Do.	-	-
60	James Ricketts - - -	- 24 Mar. "	4 "	31 May "	Do.	-	-
61	Thomas Brown (or Dolax) -	- 4 Mar. 1857	6 "	Do.	Conviction of fresh offence	26 Nov. 1862	Assault,
62	James Hill (or Gower) -	- 21 Mar. 1859	4 "	30 June "	Do.	-	Vagrancy,
63	John Kilday - - -	- 2 May "	4 "	31 July "	Do.	-	Assault,
64	Amelia Acton (or Sayers) -	- 15 Aug. "	4 "	31 Nov. "	Do.	-	Larceny,
65	Catherine Butler - - -	- 28 June 1858	5 "	31 May "	Do.	-	Common prostitute.

Note.—During the period embraced in this return there had been discharged on licence 4,166 convicts. The foregoing 87 convicts had forfeited their licences, being 2·04 per cent. in two years.

Whitehall, 25th March 1863.

H. WADDINGTON.

RETURN of the Number of Prisoners now under Sentence in the Irish County or City Gaols, who at any former period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons and Female Refuges, or from the Ordinary Prisons, on the 1st October, 1862.

	Males.	Females.
Total of the above - - - - -	37	22
Discharged from Intermediate Prisons or Female Refuges	16	5
Ditto, from Ordinary Convict Prisons - - -	21	17
Discharged conditionally (on Licence) - - -	12	5
Ditto, unconditionally - - -	25	17

RETURN of the Number of Convicts now in the IRISH CONVICT PRISONS who at any former period have been subjected to a Sentence of Transportation or Penal Servitude, stating whether discharged from the Intermediate Prisons and Female Refuges, or from the Ordinary Prisons.

	Males.	Females.
Spike Island Prison - - - - -	179	- -
Smithfield and Lusk Intermediate Prisons - - -	12	- -
Mountjoy Male Prison - - - - -	86	145
Mountjoy Female Prison - - - - -	—	145
Discharged from Intermediate Prisons or Refuges - -	101	41
Ditto from Ordinary Convict Prisons - - -	176	104
Discharged conditionally (on Licence) - - -	56	43
Ditto, unconditionally - - -	221	102

1. Of the above numbers the former convictions of a large number occurred previously to 1855.

2. Since June 1859, the greater number of those who have been reconvicted have been *recognized in the county prisons before trial*, and *notified to the Judges as "habitual offenders"* (in the manner shown in the annexed memorandum, with forms attached), the result being, in very many instances, the return to the convict prisons of criminals who might otherwise have received sentences of imprisonment only.

3. The total number of convicts in the convict prisons at the date of this Return was, males 1,079, females 433.

4. It will be seen, on reference to the annexed Return, that out of 4,643 convicts discharged within the six years ending 31st December 1861, only 463 had returned to the convict prisons, being a per centage of less than 10 per cent.

(Signed) J. S. WHITTY, Director of Convict Prisons.

APPENDIX E.

PAYMENT OF GRATUITIES THROUGH THE METROPOLITAN POLICE.

NOMINAL RETURN of Convicts who have been required to obtain their Gratuities through the Metropolitan Police, from 1st April 1858 to 30th November 1862 inclusive.

Convicts' Initials.	Date of Release.	Amount.	When paid.
		£ s. d.	
T. R.	- - -	23 Jan. 1858	-
E. G.	- - -	27 Jan. 1858	-
P. K.	- - -	12 Feb. 1858	-
P. K.	- - -	12 Feb. 1858	-
J. W.	- - -	15 April 1858	-
A. C.	- - -	3 Sept. 1858	-
G. P.	- - -	11 Oct. 1858	-
G. P.	- - -	11 Oct. 1858	-
W. W.	- - -	Unknown	-
W. S.	- - -	Unknown	-
I. B.	- - -	Unknown	-
C. B.	- - -	Unknown	-
C. B.	- - -	Unknown	-
J. F.	- - -	Unknown	-
J. J.	- - -	20 July 1859	-
G. B.	- - -	9 March 1859	-
G. B.	- - -	9 March 1859	-
J. S.	- - -	28 March 1859	-
C. L.	- - -	4 Aug. 1859	-
C. L.	- - -	4 Aug. 1859	-
P. W.	- - -	21 Feb. 1860	-
T. B.	- - -	9 Feb. 1860	-
R. C.	- - -	20 April 1860	-
E. D.	- - -	29 May 1860	-
G. D.	- - -	10 May 1860	-
W. B.	- - -	4 Oct. 1860	-
P. S.	- - -	22 Oct. 1860	-
J. E.	- - -	9 Nov. 1860	-
W. S.	- - -	17 Nov. 1860	-
J. W.	- - -	6 Nov. 1860	-
W. T.	- - -	6 Dec. 1860	-
W. J.	- - -	Unknown	-
G. M.	- - -	20 Dec. 1860	-
T. B.	- - -	20 Dec. 1860	-
G. N.	- - -	21 Dec. 1860	-
W. S.	- - -	26 Dec. 1860	-
J. Y.	- - -	15 Nov. 1860	-
T. K.	- - -	29 Jan. 1861	-
W. E.	- - -	25 Jan. 1861	-
J. M.	- - -	28 Jan. 1861	-
J. B.	- - -	Unknown	-
J. C.	- - -	— Jan. 1861	-
L. M.	- - -	Unknown	-
T. B.	- - -	Unknown	-
W. T.	- - -	Unknown	-
D. H.	- - -	Unknown	-
W. R.	- - -	Unknown	-
		2 2 7	

Convicts' Initials.	Date of Release.	Amount.	When paid.
		£ s. d.	
J. B.	- - -	4 Jan. 1861	- 1 9 8
J. S.	- - -	5 June 1861	- 4 0 4
J. P.	- - -	8 Feb. 1861	- 4 15 11
E. L.	- - -	7 March 1861	- 2 5 8
J. M.	- - -	19 March 1861	- 1 10 1
A. J.	- - -	6 April 1861	- 3 16 1
J. S.	- - -	27 April 1861	- 1 13 2
S. M.*	- - -	11 June 1861	- 4 1 11
F. L.	- - -	Unknown	- 8 15 6
F. L.	- - -	Unknown	- 8 15 6
W. P.	- - -	Unknown	- 1 10 2
R. R.	- - -	9 July 1861	- 3 6 5
J. P.	- - -	15 July 1861	- 3 14 2
T. D.	- - -	18 Sept. 1861	- 4 8 4
D. H.	- - -	11 Sept. 1861	- 5 4 5
C. H.	- - -	4 Nov. 1861	- 3 16 3
J. B.	- - -	9 Dec. 1861	- 2 12 7
R. N.	- - -	2 Jan. 1862	- 1 19 3
R. H.	- - -	15 Jan. 1862	- 3 15 4
J. A.	- - -	7 Jan. 1862	- 7 18 11
T. B.	- - -	Unknown	- 2 9 2
J. M.	- - -	Unknown	- 1 12 4
J. B.	- - -	Unknown	- 1 3 9
J. S. alias T. G.	- - -	Unknown	- 1 8 11
J. S.	- - -	Unknown	- 4 5 1
J. S.	- - -	Unknown	- 4 5 1
J. S.	- - -	Unknown	- 2 5 0
W. A. W.	- - -	Unknown	- 2 2 5
J. B.	- - -	Unknown	- 2 1 3
R. B.	- - -	28 Jan. 1862	- 5 13 4
G. W.	- - -	1 Jan. 1862	- 3 6 5
J. F.	- - -	16 Jan. 1862	- 2 3 0
G. S.	- - -	21 Feb. 1862	- 4 9 3
T. W.	- - -	10 Feb. 1862	- 2 3 1
E. H.	- - -	8 March 1862	- 4 11 3
J. K.	- - -	19 March 1862	- 3 19 10
G. R. †	- - -	17 March 1862	- 4 5 9
R. B.	- - -	3 March 1862	- 10 19 1
J. M'N. ‡	- - -	— April 1862	- 5 4 4
J. M.	- - -	2 April 1862	- 1 17 2
G. W.	- - -	17 April 1862	- 2 10 1
W. B.	- - -	2 May 1862	- 1 15 9
J. A.	- - -	— May 1862	- 4 13 8
W. F.	- - -	Unknown	- 4 5 8
W. W.	- - -	Unknown	- 3 0 4
W. F.	- - -	May 1862	- 2 11 11
F. B.	- - -	Unknown	- 3 7 5
C. R.	- - -	— May 1862	- 5 2 10
J. K.	- - -	— May 1862	- 2 18 0

* In company with known thieves, and tried for highway robbery and acquitted.

† Since tried for larceny and burglary, and sentenced to six years' penal servitude. Afterwards made his escape, and was again sentenced to do the whole of the term afresh.

‡ In consequence of his returning to his former practices he was recommitted on 3rd July 1862.

Convicts' Initials.	Date of Release.	Amount.	When paid.
		£ s. d.	
T. G. - -	Unknown -	3 18 4	6 Oct. 1862.
H. B. - -	Unknown -	4 0 3	19 Nov. 1862.
R. W. S. - -	Unknown -	5 16 7	22 Nov. 1862.
S. B. - -	2 May 1862 -	7 10 6	2 July 1862.
S. B. - -	2 May 1862 -	7 10 6	13 Oct. 1862.
J. S. - -	2 May 1862 -	3 8 7	18 July 1862.
J. B. - -	30 June 1862 -	5 17 7	7 Oct. 1862.
F. R. - -	— June 1862 -	4 0 8	25 Sept. 1862.
F. K. - -	Unknown -	1 13 2	26 June 1862.
J. W. - -	3 July 1862 -	2 5 6	19 Sept. 1862.
J. W. - -	5 July 1862 -	3 17 7	5 Oct. 1862.
T. S. - -	17 July 1862 -	4 4 8	6 Nov. 1862.
G. C. - -	16 July 1862 -	4 2 2	22 Oct. 1862.
T. S. - -	9 Aug. 1862 -	4 11 11	18 Oct. 1862.
W. S. - -	— Aug. 1862 -	2 17 7	24 Nov. 1862.
W. J. - -	29 Aug. 1862 -	7 15 1	14 Nov. 1862.
P. W. - -	— Oct. 1862 -	4 1 1	28 Nov. 1862.
W. S. * - -	Not known -	3 17 10	Not paid.
T. de P. - -	Unknown -	—	Not paid.†
H. R. - -	5 July 1862 -	1 4 6	19 Sept. 1862.
R. H. - -	15 Jan. 1862 -	3 15 4	2 July 1862.
J. B. ‡ - -	2 March 1861 -	2 2 10	Not paid.

Prepared by JOHN SEARLE, Inspector,
R.M.

*Metropolitan Police Office,
22nd December 1862.*

From this return it will be observed that out of 118 cases investigated by the metropolitan police, only five men forfeited their claim to gratuity or failed to establish their claim to it from not being found to be earning an honest livelihood.

In a preceding return of 100 men two only failed to establish their claim.

* Could not be found at the address stated, and producing a false certificate, purporting to be signed by Mr. Kilsby Jones, Minister of Tonbridge Chapel.

† In consequence of information that he had planned to rob Mr. Gibbs' house in Regent's Park, which was found to be correct, and the felony was prevented.

‡ He did not apply within the specified time, eight days.

IRISH CONVICT PRISONS.

RETURN of the Gratuities of all Prisoners Discharged on Licence under the Act of 1857.

Initials of Name.	Sentence.	Dates of Discharge.	Dates of Payment.		Amount of Gratuity.
			£	s. d.	
W. S. -	3 years' Penal Servitude.	Dec. 11 1860	Dec. 11 1860 -	—	£ 1 11 6
T. H. -	3 ditto	Dec. 11 "	Dec. 11 "	—	1 11 6
J. S. -	3 ditto	Apr. 23 1861	Apr. 23 1861 -	—	1 11 8
T. D. -	4 ditto	July 16 "	{ July 16 " - 2 0 0 Forfeited - 0 11 0 }		2 11 8
M. F. B. -	3 ditto	Aug. 24 "	Aug. 24 " -	—	1 6 3
M. M. -	4 ditto	Sept. 17 "	{ Sept. 17 " - 2 0 0 Nov. 7 " - 0 17 9 }		2 17 9
W. C. -	4 ditto	Mar. 1 1862	{ Mar. 1 1862 - 2 0 0 June 12 " - 0 12 10 }		2 12 10
T. W. -	4 ditto	May 24 "	May 24 " -	—	0 10 3
P. McC. -	4 ditto	July 24 "	July 24 " -	—	1 13 11
D. K. or M. -	4 ditto	July 25 "	{ July 25 " - 2 0 0 Sept. 19 " - 0 19 10 }		2 19 10
P. K. -	7 ditto	Aug. 1 "	Aug. 1 " -	—	0 18 11
J. F. -	4 ditto	Oct. 3 "	{ Oct. 3 " - 2 0 0 Due - 0 2 1 }		2 2 1
A. J. K. -	4 ditto	Oct. 3 "	{ Oct. 3 " - 2 0 0 Oct. 20 " - 0 14 9 }		2 14 9
W. C. C. -	4 ditto	Nov. 4 "	{ Oct. 4 " - 2 0 0 Oct. 21 " - 0 19 8 }		2 19 8
P. McG. -	4 ditto	Nov. 18 "	{ Nov. 18 " - 2 0 0 Due - 0 17 9 }		2 17 9
D. G. or B. -	4 ditto	Nov. 24 "	Nov. 24 " -	—	1 18 7
W. L. -	4 ditto	Nov. 25 "	{ Nov. 25 " - 2 0 0 Due - 0 15 6 }		2 15 6
D. S. -	10 ditto	Oct. 8 1859	Oct. 8 1859 -	—	0 5 0
P. S. -	15 ditto	July 26 1862	July 26 1862 -	—	0 5 0
G. M. -	3 ditto	Feb. 7 1860	Feb. 7 1860 -	—	2 18 3
T. H. -	3 ditto	Feb. 29 "	Feb. 29 " -	—	2 18 10
W. W. -	3 ditto	Mar. 29 "	Mar. 29 " -	—	2 18 2
M. G. -	3 ditto	Mar. 28 "	Mar. 29 " -	—	2 15 8
R. S. -	3 ditto	Apr. 19 "	Apr. 19 " -	—	2 18 1
W. M. -	3 ditto	May 2 "	May 2 " -	—	2 18 5
W. M. -	3 ditto	May 2 "	{ May 2 " - 2 6 0 May 8 " - 1 14 8 }		4 0 8
M. Mc.M. -	3 ditto	May 16 "	{ May 16 " - 2 4 6 May 31 " - 0 14 5 }		2 18 11
J. J. -	3 ditto	May 24 "	{ May 24 " - 2 8 10 June 11 " - 2 6 11 }		4 15 9
J. D. -	3 ditto	May 24 "	May 24 " -	—	3 3 3
W. B. -	3 ditto	May 24 "	{ May 24 " - 2 6 6 June 2 " - 0 14 3 }		3 0 9
P. R. -	3 ditto	May 28 "	May 28 " -	—	2 6 2
J. McC. -	3 ditto	May 30 "	May 30 " -	—	2 15 8
P. C. -	3 ditto	June 6 "	{ June 6 " - 2 5 2 June 11 " - 2 4 10 }		4 10 0
A. M. -	3 ditto	June 10 "	June 10 " -	—	4 9 8
W. McD. -	3 ditto	June 16 "	June 16 " -	—	3 0 0
J. C. -	3 ditto	June 16 "	{ June 16 " - 2 5 0 Aug. 29 " - 0 15 0 }		3 0 0
J. D. -	3 ditto	June 19 "	{ June 19 " - 2 5 0 June 28 " - 0 12 10 }		2 17 10

Return of the Gratuities, &c.—continued.

Initials of Name.	Sentence.	Dates of Discharge.	Dates of Payment.			Amount of Gratuity.
				£	s. d.	
C. B.	- 3 years' Penal Servitude.	July 23 1860	{ July 23 1860 July 31 "	- 2	7	3
M. F.	- 3 ditto	July 23 "	{ July 23 Aug. 6 "	- 2	12	0
M. R.	- 3 ditto	July 23 "	{ July 23 July 24 "	- 0	15	9
J. G.	- 3 ditto	July 25 "	{ July 25 Aug. 1 "	- 2	5	6
J. F.	- 3 ditto	Aug. 7 "	{ Aug. 7 Sept. 13 "	-		—
E. R.	- 3 ditto	Sept. 13 "	{ Sept. 13 Sept. 13 "	-		—
J. M.	- 3 ditto	Sept. 13 "	{ Sept. 13 Sept. 13 "	-		—
T. C.	- 3 ditto	Sept. 13 "	{ Sept. 13 Sept. 13 "	-		—
J. R.	- 3 ditto	Sept. 13 "	{ Sept. 13 Sept. 28 "	- 2	5	0
F. M.	- 3 ditto	Sept. 14 "	{ Sept. 14 Oct. 8 "	-		—
W. B.	- 3 ditto	Oct. 8 "	{ Oct. 8 Oct. 10 "	- 2	2	0
T. R.	- 3 ditto	Oct. 9 "	{ Oct. 10 Oct. 10 "	- 0	12	10
P. R.	- 4 ditto	Oct. 9 "	{ Oct. 9 Oct. 16 "	- 2	8	3
P. H.	- 3 ditto	Oct. 9 "	{ Oct. 9 Oct. 24 "	-		—
P. P.	- 3 ditto	Oct. 24 "	{ Oct. 24 Nov. 17 "	- 2	9	6
J. C.	- 3 ditto	Oct. 24 "	{ Nov. 17 Oct. 24 "	- 0	3	8
W. F.	- 4 ditto	Oct. 24 "	{ Oct. 24 Oct. 24 "	-		—
J. D.	- 4 ditto	Oct. 29 "	{ Oct. 29 Nov. 6 "	- 2	5	0
J. P.	- 4 ditto	Oct. 29 "	{ Nov. 6 Nov. 6 "	- 1	12	0
W. W.	- 3 ditto	Nov. 3 "	{ Nov. 3 Nov. 10 "	- 2	6	6
J. B.	- 3 ditto	Nov. 14 "	{ Nov. 14 Due "	- 0	8	10
A. R.	- 4 ditto	Dec. 13 "	{ Dec. 13 Dec. 15 "	- 2	5	0
P. M.	- 3 ditto	Dec. 19 "	{ Dec. 19 Dec. 24 "	- 1	10	10
R. S.	- 3 ditto	Dec. 19 "	{ Dec. 24 Dec. 19 "	- 0	13	11
S. C.	- 4 ditto	Dec. 19 "	{ Dec. 19 Dec. 22 "	- 2	6	6
D. H.	- 4 ditto	Jan. 3 1861	{ Dec. 22 Jan. 3 1861	- 2	5	6
T. C.	- 3 ditto	Jan. 3 "	{ Jan. 4 Jan. 4 "	- 1	15	4
P. W.	- 3 ditto	Jan. 5 "	{ Jan. 5 Jan. 24 "	- 2	4	6
R. R.	- 3 ditto	Jan. 5 "	{ Jan. 5 Jan. 24 "	- 0	9	1
J. B.	- 3 ditto	Jan. 5 "	{ Jan. 5 Jan. 22 "	-		—
J. M.	- 3 ditto	Jan. 5 "	{ Jan. 5 Jan. 22 "	-		—
T. B.	- 4 ditto	Jan. 7 "	{ Jan. 5 Jan. 22 "	-		—
J. D. B.	- 4 ditto	Jan. 7 "	{ Jan. 7 Jan. 22 "	-		—
P. C.	- 3 ditto	Jan. 7 "	{ Jan. 7 Jan. 13 "	- 2	9	0
J. McD.	- 3 ditto	Jan. 21 "	{ Jan. 13 Jan. 22 "	- 1	3	1
J. B.	- 4 ditto	Jan. 21 "	{ Jan. 21 Jan. 26 "	- 2	3	6
M. McC.	- 3 ditto	Jan. 21 "	{ Jan. 21 Jan. 21 "	- 1	17	9
S. A.	- 3 ditto	Jan. 21 "	{ Jan. 21 Jan. 21 "	-		—
W. M.	- 3 ditto	Jan. 21 "	{ Jan. 21 Jan. 21 "	-		—
F. D.	- 4 ditto	Feb. 6 "	{ Feb. 6 Feb. 7 "	-		—
O. Q.	- 4 ditto	Feb. 6 "	{ Feb. 6 Feb. 6 "	-		—
J. C.	- 4 ditto	Feb. 6 "	{ Feb. 6 Feb. 6 "	-		—

Return of the Gratuities, &c.—continued.

Initials of Name.	Sentence.	Dates of Discharge.	Dates of Payment.	£ s. d.			Amount of Gratuity.
				Feb.	7	1861	
D. B.	-	4 years' Penal Servitude.	Feb. 7 1861	Feb.	7	1861	—
W. W.	-	4 ditto	Feb. 7 "	Feb.	7	"	—
M. N.	-	3 ditto	Feb. 7 "	Feb.	7	"	—
M. M.	-	4 ditto	Feb. 7 "	Mar. 12	"	—	2 10 6
P. L.	-	4 ditto	Feb. 7 "	Feb.	7	"	—
P. W.	-	4 ditto	Feb. 7 "	Feb.	7	"	—
J. B.	-	4 ditto	Feb. 7 "	Feb.	11	"	—
M. D.	-	4 ditto	Feb. 7 "	Feb.	11	"	—
M. H.	-	3 ditto	Feb. 7 "	Feb.	7	"	—
R. P.	-	3 ditto	Feb. 7 "	Feb.	20	"	—
M. D.	-	3 ditto	Feb. 7 "	Feb.	7	"	—
P. D.	-	3 ditto	Feb. 7 "	Feb.	7	"	—
J. R.	-	3 ditto	Feb. 15 "	Feb.	15	"	—
D. R.	-	3 ditto	Feb. 15 "	Feb.	16	"	—
A. M.	-	4 ditto	Feb. 28 "	Feb.	28	"	—
P. M. C.	-	3 ditto	Mar. 1 "	Mar.	19	"	—
J. D.	-	3 ditto	Mar. 6 "	Mar.	1	"	—
P. H.	-	4 ditto	Mar. 6 "	Mar.	6	"	—
J. McC.	-	4 ditto	Mar. 7 "	Mar.	21	"	—
S. S.	-	4 ditto	Mar. 7 "	Mar.	8	"	—
M. S.	-	4 ditto	Mar. 7 "	Mar.	11	"	—
J. S.	-	3 ditto	Mar. 28 "	Mar.	8	"	—
J. C.	-	3 ditto	Apr. 3 "	Apr.	28	"	—
J. D.	-	4 ditto	Apr. 5 "	Apr.	2	"	—
F. B.	-	4 ditto	Apr. 5 "	Apr.	3	"	—
J. E.	-	4 ditto	Apr. 5 "	Apr.	5	"	—
J. K.	-	4 ditto	Apr. 5 "	Apr.	11	"	—
J. B.	-	4 ditto	Apr. 5 "	Apr.	5	"	—
J. M.	-	4 ditto	Apr. 13 "	Apr.	13	"	—
P. B.	-	4 ditto	Apr. 13 "	Apr.	16	"	—
J. R.	-	4 ditto	Apr. 13 "	Apr.	13	"	—
T. C.	-	4 ditto	Apr. 13 "	Apr.	16	"	—
D. H.	-	4 ditto	Apr. 15 "	Apr.	13	"	—
J. D.	-	4 ditto	Apr. 15 "	May	9	"	—
				Apr.	13	"	—
				Apr.	16	"	—
				Apr.	16	"	—
				Apr.	13	"	—
				Apr.	16	"	—
				Apr.	20	"	—
				Due	"	—	—
				Apr.	15	"	—
				May	6	"	—
				Apr.	16	"	—

Return of the Gratuities, &c.—*continued.*

Initials of Name.	Sentence.	Dates of Discharge.	Dates of Payment.			Amount of Gratuity.
			£	s.	d.	
R. F. -	4 years' Penal Servitude.	Apr. 30 1861	{ Apr. 30 1861	- 2	0	0
			{ May 3 "	- 1	17	6
J. S. -	3 ditto	Apr. 30 "	{ Apr. 30 "	- 2	6	0
			{ May 23 "	- 0	10	11
P. McA. -	4 ditto	Apr. 30 "	{ Apr. 30 "	- 2	5	0
			{ May 3 "	- 2	0	3
J. M. -	3 ditto	Apr. 30 "	{ Apr. 30 "	- 2	6	0
			{ May 3 "	- 0	10	11
J. H. -	4 ditto	Apr. 30 "	{ Apr. 30 "	- 2	6	0
			{ May 31 "	- 1	13	11
C. R. -	4 ditto	Apr. 30 "	{ Apr. 30 "	- 2	5	0
			{ May 14 "	- 1	16	11
T. F. -	4 ditto	May 6 "	May 6 "	-	—	5 9 11

APPENDIX F.

LETTER ON VARIOUS POINTS CONNECTED WITH THE CONVICT QUESTION, FROM THE REV. ARTHUR HILL, ASSISTANT CHAPLAIN AT PORTLAND PRISON.

TO MAJOR-GENERAL SIR JOSHUA JEBB, K.C.B., &c. &c.

SIR,

HAVING had nearly seven years' experience of the working of the convict system in England, I venture to take the liberty of submitting to you the opinions I have formed on some of the leading questions which have been recently under discussion.

With reference to the per-cent of reconvictions of men who have undergone a sentence of penal servitude in convict prisons, much has been affirmed and assumed as evidence against the beneficial result of the present penal system. The fact seems, however, to be entirely lost sight of that a very large proportion of the inmates of a convict prison have found their way to it by the steps of frequent convictions for crime, the sentences of punishment resulting having been passed in the county or borough gaols. The caption-papers forwarded with each convict disclose too often a sad and systematic course of crime, which has, at length, landed the transgressors within the walls of a Government prison. The discipline of the county or borough gaol, however conducted, has failed in reforming criminals, or at least deterring them from the recommitment of their offences in such a way as to insure them against reconviction.

It cannot unfairly be assumed that at least from 30 to 40 per cent. of those who have been committed to gaol at the quarter or intermediate sessions return upon the hands of the governors of the county and borough gaols. These, having exhausted the patience and hope of the local authorities, receive at length the sentence which consigns them to penal servitude. The large body of convicts is made up of drafts from this class. It would be a matter of surprise that this truth respecting the numerous reconvictions of county and borough criminals

should be so much lost sight of. I do not say this to uphold one system by lowering another, but only to point out the vast difficulties attendant upon the punitive treatment and reformatory discipline of a large class, the elements of which have already been subjected to a process which has failed. It must be conceded that, as sin indulged becomes less like sin in a man's eyes, so every successive imprisonment, unattended by the beneficial effects sought for, leaves the subject worse than before. What degree of hardening he may have arrived at by the time he has experienced five, six, or more periods of punishment cannot be told, but he must have been rendered **VERY HARDENED.**

The longer the course of crime, the less hope of reformation.

If the earlier stages of criminal life, when the heart may be supposed more susceptible of good influences, and the fear of punishment is stronger, show a relapse of from 30 to 40 per cent., what should we be led to look for when the manhood of crime has been reached, and the consciousness of victory over every attempt to promote reformation of heart and life possesses the criminal?

Even a higher rate of re-convictions of discharged convicts than actually exists, would be no ground for despondency.

If we looked at the figures and they ranged themselves even so high as 50 per cent. of reconvictions, we should have no room for gloomy and despairing thoughts. The picture is, happily, brighter, and we have a less per centage of reconvictions from convict prisons than from the county and borough gaols. This is a point not considered as it ought to be, and justice demands its recognition; and our social welfare, too, is concerned, because it cannot tend to the general good for legislation to proceed upon any but the truest principles, and no principles can be true which owe their sustenance to mistaken views or perverted facts; for sooner or later the good will disagree with the bad: they cannot work together. The convict system does not make crime, but receives its votaries, in general, at a very forward stage of their career.

Consideration of small prisons.

With some persons the idea of substituting for the larger convict establishments a number of small intermediate prisons scattered here and there over the country, as likely to be more effective in the reformation of criminals, finds some favour. Much that is plausible may be said in favour of such view, as that the principle of individualization may be carried out, and thus, the character, circumstances, and prospects of each prisoner may be brought under closer inspection than can be the case with the larger numbers. But under this method a great deterrent element would be lost. Besides which the individualization has been admirably carried on in the first probationary prison at Pentville and like prisons.

It cannot be doubted that the sight of others in suffering and disgrace has its effect upon most minds, that men, especially those who are undergoing their first sentence, are sensibly impressed with the general feeling of condemnation which hangs around them. The awe-instilling presence of a stern discipline, the compulsory parade and march to daily labour, the separated gangs, the heavy allotted work, the transfer from labour to the solitary cell, and the meal partaken of without an opportunity of converse with a fellow-man has a most powerful effect. No one can enter one of the prisons during the dinner hour, or after the work of the day is done, and, standing on the gallery of one of the wards, reflect that some 350 or 400 living beings are there securely and separately lodged, and left, each one to his own thoughts, without having the feeling forcibly impressed upon the mind that "his sin has "brought him to this," as a convict once said to us. This feeling, in its degree more or less strong, is shared in by nearly the whole of the convicts.

The experiment of breaking up into lesser bodies these men must necessarily lead to a totally different kind of discipline, which would befit an institution where the punitive element would not be expected so largely to enter as it does here. The firmness of the officers engaged in the care of the convicts would be in danger of gliding into the familiarity of acquaintances. Indeed the whole of the influence resulting from the present display of strength and power to control, and the opportunities of enforcing increased rigour in the prison discipline (happily not often called into exercise) produces its effect upon the mind of the prisoner, securing obedience, restraining from violence, and making insubordination a highly dangerous experiment. Break up, for instance, Portland Prison into a number of smaller and separate ones, and you must lose all this influence. To say nothing of the vast increase of expense, and the difficulties in the way of large public operations in a small prison, which in the course of a very short time would appear and make the public again embittered, though on fresh grounds, against the convict, no result need be expected which may not be arrived at in the present establishment. The opportunities afforded the men of seeing the authorities and receiving counsel and advice are as frequent as are afforded the inhabitants of the best circumstanced parish in the kingdom, and the intercourse is confined within a circle which is substantial, legitimate, and healthy.

The hut system could not exist in England, or be tolerated a single month, if it were attempted in practice. The effect of one escape of a half-free convict, and a crime committed by him—the alarm throughout every neighbourhood, and the depreciation of property in the particular neighbourhood where the experiment was being tried—the force of example among convicts, contagious even among the better disposed,—the injustice to the prisoner himself, in putting a temptation of so powerful and even irresistible a kind in his way, would lead to results which would close the experiment amidst the jeers and execrations of the nation at large. It would be cruel towards the promising prisoner, because a temptation before him of absolute liberty is one to which he ought not to be subjected. It is, however, the less necessary to argue this question, as there appears to be a growing impression that the results of the experiment in Ireland have been unsuccessful.

One more feature, not an unimportant one, may be mentioned in favour of the larger establishment. It exercises its influence upon those at liberty who are inclined to crime. They see in the convict prison the provision made upon a great scale for its punishment, and the feeling which is experienced by the unhappy inmate is participated in by those without. The stern aspect of Newgate, with its dismal chains overhanging the entrance gate, has deterred, through fear, many a beginner in crime; and so with the convict prison. This fact has been told us by prisoners, and notwithstanding all the comfort, ease, and luxury, which random pens have loved to depict as revelling within the walls of this prison, the stern reality of the loss of liberty in everything, except in the exercise of the mind, labour of the hardest sort in the excessive heat of summer and cold of winter, invest its every appointment with a wholesome and deterrent dread to those who are beyond its pale. This influence, by the substitution of smaller, out-of-the-way and unknown gaols, would be lost.

It is an every-day occurrence for us to hear from prisoners of all Estimation of classes (except a very small part, who are advanced and intelligent in education and feelings), every term of abhorrence and execration applied to this and other convict prisons. The feeling is burnt into

Different degrees and kinds of discipline in the smaller prison.

Feature of the Irish system.

Another advantage resulting from the larger prison.

their minds that there cannot be "a worse place on the face of the earth," and we have sometimes doubted whether it was wise in us to weaken these convictions, by pointing out to them what they would have had to undergo, had they only been one of the *forçats* at Toulon, Brest, or Rochfort. The very abuse of every well regulated convict prison by every incorrigible prisoner, as a hell, shows that the loss of liberty, and moral restraint to which they are subjected, is intolerable.

**Association
on Public
Works.**

There is one degree of association among prisoners upon public works which cannot be avoided, and it is not attended with so many evils as might at first be supposed. I refer to their working in gangs. If it is an evil, it is very much lessened, where, by the firm and judicious management of the officer in charge, constant diligence and attention to the work in hand is enforced. No opportunity can then be afforded for conversation or forming plans for evil. A constant tension of the power to labour is implied and expected by the prisoner's sentence and by the prison rules, and as this is acted up to, the possibility of mutual evil influence must vanish. In school, the constant urging and attention to their duties on the part of the masters, and the surveillance of the school warders, prevent continuous conversation. Thus by enforcing the utmost diligence at work and in school, no opportunity of mutual corruption can be afforded. The men walk in pairs from the quarries and when on the exercise ground.

Thus all the supposed reformatory advantages of the smaller prison may be secured, whilst the most important public works are carried on, and the convict is made to pay for his own imprisonment instead of being a dead weight upon the public purse, and allowed the gratification of knowing that he was perpetuating the injury he had already committed against society by inflicting this burden. All the materials are in hand for the exercise of the most perfect system of punitive and reformatory treatment here. The intelligent assistant Chief Warder is constantly telling us, "I keep the men hard at work even "in foggy weather. They cannot then corrupt one another nor form "plans of escape."

**Police super-
vision.**

The matter of Police Supervision is more difficult, being one of the greatest consequence to the discharged prisoner. I have endeavoured to arrive at some decision, and I think that whilst it might effect an apparently good result in a few instances, such as leading to the arrest of clearly suspicious characters, and preventing others from returning to old haunts, it would be most injurious to a large proportion of well-disposed men.

For, 1st, The surveillance of the police could only be exercised over the ticket-of-leave holder. The grant of a ticket-of-leave implies a desire on the part of the Government to give the holder an opportunity of showing himself to be reformed and of gaining an honest living. To put such a man under the direct interference of the police, compelling him to present himself at stated periods at the police dépôt, would be to advertise his former criminality, and thus effectually close every door of employment.

2ndly. Whilst, from the feeling of society against discharged prisoners little else than the most disastrous result would follow from police espionage to the honestly-inclined; the effect upon the bad would be not to deter from crime but to keep up a constant change of the scene of their operations, and the exercise of increased ingenuity in the formation of their plans for avoiding detection, such as going to new and fresh abodes. For example, police inspection in

Middlesex would drive them into the city ; in the city would drive them into Middlesex.

3rdly. There is not any crying need for this self-reporting. In the case of the oft-convicted men their persons and antecedents are so well known to the police of the district that any special notification of their arrival in the neighbourhood is not necessary, and the men may be considered as coming at once under their eye. I repeat that the reporting would have no other effect than making the indifferently-conducted men leave that particular neighbourhood only to crop up in another place, nor do I think the steady man would endure it, but would also go, through from a different motive. If there be an evil entailed by the men's residence in their old locality, it would be more readily seen, and be more easily recognized and met. On the other hand, where some former pest of the village or township is thrown upon it from a convict prison, and the inhabitants see him desirous to earn an honest living, see him avoid former bad associates, and attend Divine Worship, it is really their duty to bear his presence and exercise some little patience towards him. I know it is far easier to send the policeman to watch him and refuse him an odd job because of his old sins, but it cannot be so Christian. In cases where mercy has been shown, and some kind patience used, success has fully answered this benevolent plan ; but where it has been the other way, and that is the more general, evil has been reproduced, the man has been driven from his native place, and the old fable of the dragon's tooth springing up from the earth has been more than realized to his own misery and that of others. I am convinced that there should be a certain forbearance towards those returned from the convict prison for the first time, it being plain that reformed habits or the continuance of vicious ones will soon develop themselves. Add to this that, whether in the case of a hopeful or a hopeless man, the policeman is an official whose duties are apt to carry him along by the prevalence of one idea. His life is spent under its operation. The opposite idea of tenderness, discrimination, and allowance for one coming among them from prison he is generally a stranger to. With his desire to show activity in order to his own rise from police constable to inspector and superintendent, and feeling moreover something of the sportsman's zeal in bagging game, to him a ticket-of-leave man to run down is a prize too attractive to be passed over. Education, habits, and feelings all make the policeman an unfit person to be trusted with a charitable and delicate task like this. On these and other grounds, as a check on wrong doers, formal reporting or police supervision will generally fail, while on the well-conducted it will be pernicious. With the large majority penal servitude answers all the expectations of the public. Now it is just this class, as before stated, upon which the plan of police supervision would fall so adversely. The feeling that they were under the eye of the police could not fail to have a paralyzing effect upon their good purposes and exertions. The experience of harsh feeling and conduct at the hands of the public would be theirs as soon as it had become known, by police instrumentality, that they were discharged convicts.

In the present state of demand for labour in this country men will prefer those who are of untainted character. The convict tries to procure employment at his trade, if he is a skilled artizan, or work of any kind if he is a day labourer, but he tries too often in vain. But should he be successful, it is seldom that so marked a feature in his past life as a criminal conviction can escape the knowledge of his fellow-workmen or of his employers.

Too often that exposure proves fatal to his remaining in a position to earn his daily bread. He is dismissed. Again he tries hard to live by honest labour, or he abandons hope. Finding the world declining to receive him as an honest man, he once more falls into crime. I cannot excuse such a course, but I state what has taken place, and I will illustrate the truth of the statement by only one instance.

Case.

A. B. was convicted, and sentenced to four years' penal servitude; but, in consequence of good behaviour in prison, was discharged under the regulations after serving three years and three months. He returned to _____, there is every reason to believe, with the determination to live by honest labour. He was a skilled operative; and it is some evidence of his good intention that, finding he could not procure employment in the superior branch of his calling at which he had formerly worked, he sought for and eagerly accepted the very meanest kind of work. His hand had not lost its skill, yet he would gladly have toiled for bread in a comparatively degraded rank, but was not permitted. It came to the ears of his employers that he was a ticket-of-leave man; the result of that knowledge was his instant dismissal. He sought employment again, but in vain. What can be done to meet such an evil, this dread of the impossibility of an erring man turning away from his wickedness? Certainly a more effective way of increasing the evil would be to subject this class of men, struggling to do well, to police supervision.

Solution of
convict ques-
tion.

The true solution of the weightiest difficulties affecting convict management is, I believe, as I have already in a former letter ventured to affirm, to be found in the careful administration of the present system in all cases, excepting those bearing peculiar features, under the first sentence; and in all cases of second and more convictions, transportation. The testimony has been already given, that but little hope can be entertained of reforming the man of two or three re-convictions in this country. Such men are devoted to crime, are accustomed to hardship, and have no fear of imprisonment, but of transportation they will have a fear as the real nature of transportation to Western Australia becomes known to them: a long wearisome life in a wild desert country, with hard labour, and sure punishment for idleness. The absolute severance from friends and home; the loss, in the majority of cases, of all hope of regaining their former intimacies and gratifications, and the certainty that liberty, when bestowed, will leave them yet outcasts from home, and in a country where they must labour or starve, will make the criminal dread,—and he is already beginning to apprehend its real nature,—this sentence. Bad men, too, though ready to commit almost any crime, are not entirely free from the influence of relatives and acquaintances interested in their fate. The testimony of Captain Kennedy, late governor of the Swan River settlement, may be added as exceedingly valuable from its practicability and experience.

We conclude that the only advantageous system upon which we can act with a view to the punishment and reformation of criminals, is, in the case of first convictions, with some few exceptions, to carry out the present plan of granting a remission on good conduct, and to appropriate certain public works prisons for their reception. For the reconvicted, to have a more severe discipline, followed by removal to a colony, with the prospect of a ticket-of-leave being received in the colony, after the expiration of a stated portion of the sentence, as a reward for good conduct, and encouragement to reformation. We believe that these provisions, made effectual by the necessary subordinate ones, will lead to a great diminution of crime, and the refor-

tion of numbers of those who are now released in this country, must become the terror and curse of the community.

In drawing this letter to a close, and offering some apology for its length, on account of the interest felt towards various classes of our fellow subjects,—an interest intensified by the present aspect of the popular mind,—I would say, with reference to the Irish convict system, that it offers itself to public confidence on the extraordinary ground of the reformation being mainly effected, in keeping together half liberated men in indiscriminate association, the evils of which our own experience has absolutely demonstrated. Conclusion.

It cannot be matter for surprise that there should be those who, having been acquainted with the inner detail of the Irish scheme, should now consider it a public duty to exhibit its weakness to the world.

I have the honour, &c.

ARTHUR HILL,
Assistant Chaplain, Portland Prison.

January 24th, 1863.

APPENDIX G.

REPORT from DR. GUY, Visiting Physician of MILLBANK PRISON, on the DIET of CONVICT PRISONS.

SIR,

Millbank Prison, December 8, 1862.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd ult., in which, after adverting to the uneasy state of the public mind on the subject of the diet in the convict prisons generally, you direct me to give to the subject my full consideration, with a view to your being enabled to discuss the question with the Secretary of State, or to lay before him the opinion I may form on the subject. You also direct my attention to the earlier reports of the Commissioners of Pentonville Prison, and to the records left by the late lamented Dr. Baly, my predecessor in office.

As the experience acquired at this prison is in itself highly instructive, and forms a body of independent evidence of the highest value, I have thought that I should best promote the object which you have in view by laying before you, as briefly as possible, the results of that experience.

I ought, however, to premise that the problem which may be said to have been submitted to my predecessor, Dr. Baly, and to myself, is one somewhat difficult of solution. A dietary has to be framed to meet the requirements of a mixed population of male and female prisoners, of whom the majority are in good health, and have to be maintained in such a state of vigour as shall fit them for work, more or less laborious, within the walls of the prison itself, and, after an interval of time, for the harder work of the convict establishments of Portland, Portsmouth, or Chatham, or for such labour as may be necessary to the earning of a

livelihood on their discharge from prison; while a minority, and that a not inconsiderable one, consisting of the imbecile in mind, the epileptic, the scrofulous, the consumptive, and the weakly, have to be provided with a nutritious diet as a simple and obvious precaution against the development of their several diseased conditions into confirmed and fatal maladies, involving the necessity of expensive medical treatment. As these two classes of healthy and unhealthy prisoners are necessarily mixed up together, so long as the latter class are not proper objects for treatment in the infirmary, it is necessary that they should be placed upon one and the same diet. That diet, for the reasons just given, ought to be nutritious and supporting, but at the same time it ought to commend itself as an element of discipline and punishment by its monotony on the one hand, and the entire absence, on the other hand, of every element which can minister to mere pleasure in eating and drinking.

Our prison diet fulfils the second of these conditions by its unvarying monotony, and the first by its sufficiency. The particulars of this diet are stated in the Appendix, No. 1.

I also give, in Appendix No. 2, the particulars of the diet of prisoners under punishment, known here as penal class diet. This diet too, I believe to be sufficient for the maintenance of the health of prisoners in the penal class. I shall have something further to say respecting these dietaries when I have passed in review the steps that have at different times been taken to reform or improve them.

In the early history of this prison an event occurred which throws great light on the question of prison dietaries.

On the 18th March 1822, the Committee of the Penitentiary requested the opinion of the then Medical Superintendent, Dr. A. Copland Hutchison, upon the existing prison dietary, and the reduction it was capable of with a due regard to the health of the prisoners.

On the 22nd of the same month, Dr. Hutchison addressed a letter to the Committee in which he stated that from the high state of health the prisoners had hitherto enjoyed, and the absolute state of plethora which a great majority of them had shown after a certain residence within the walls of the penitentiary, as well as the frequent recurrence of disease arising from that cause, he had no hesitation in stating that the quantity of food consumed by them was greater than sufficient to maintain them in robust health, with all due consideration to the labour they might, by any possibility be subjected to. After assigning some very valid reasons both economical and moral, for maintaining the health of the prisoner, and adverting to the long terms of imprisonment to which the convicts in Millbank were at that time subjected, Dr. Hutchison proceeded to recommend a reduced scale of diet. The Committee, however, instead of acting on his recommendation, introduced a dietary of their own, which came into play on the 5th of July of this same year 1822.

I will simplify my statements in regard to these three dietaries, the original one, which appears to have been in force from the opening of the establishment in 1816, the reduction suggested by Dr. Hutchison, and the dietary as arranged by the Committee, by giving for adult male prisoners only, and for the period of one week, the principal constituents of the respective dietaries.

	Original Dietary.	Dr. Hutchison's suggestion.	Dietary of the Committee.
Bread - - -	ozs. 168	ozs. 168	ozs. 168
Meat (boiled beef)	24	8	Nil.
Potatoes - - -	112	16	Nil.
Total solid food	304	192	168
Broth or soup -	Pints. 8	Pints. 12	Pints. 14
Gruel or porridge -	14	14	7
Total liquid food	22	16	21

From this tabular statement it will appear that the Committee, repudiating the suggestions of Dr. Hutchison, adopted in July 1822 a dietary from which they excluded solid meat and potatoes altogether, reducing its solid elements by no less than 136 ounces, and its liquid constituents by 1 pint, substituting for 7 pints of gruel, 6 pints of soup or broth, containing only one ox-head to 100 prisoners, (which small allowance seems to have been reduced in practice).

Dr. Hutchison estimates the animal matter attached to and contained in, the bones of an ox head at 9 lbs. So that each prisoner would have less than an ounce and a half of animal matter per diem, or about 10 ounces in the week, and this not in a solid, but in a liquid form. This soup or broth was to be thickened with vegetables, and peas or barley alternately, and potatoes might be substituted for bread, at the rate of one pound of potatoes for half a pound of bread.

This change in the diet of the prisoners does not appear to have produced such an effect on their health as to attract Dr. Hutchison's attention, till the lapse of about seven months; but on the 8th February 1823 Dr. Hutchison reports a few slight cases of scurvy, and on the 24th of the same month one well-marked case of scurvy, and two others of a less distinct character, in addition to the cases previously reported. He also reports a great increase in the numbers of cases of flux, or scorbutic dysentery, of which one had proved fatal. On the 28th February four more cases of scurvy, of which two were attended with the flux, are reported. On the 8th April Dr. Hutchison, who had served at sea for some years, and had afterwards been one of the principal medical officers of the Naval Hospital at Deal, distinctly recognized the breaking out of the disease commonly called sea scurvy in the early part of February, with scorbutic dysentery and diarrhoea. Eight patients in the infirmaries were severely affected with these diseases.

Alarmed by Dr. Hutchison's report of the 28th Febraary, the Committee appointed two eminent physicians (Drs. Latham and Roget) to visit the prison, direct the treatment of patients, and report on the causes of the disease, and especially the part borne by the dietary in its production.

In their first report, dated April 5, 1823, Drs. Latham and Roget advert to an important fact, which seems to have escaped the notice of Dr. Hutchison. They state that during the autumn following the introduction of the new dietary, "the general health of the prisoners

" began visibly to decline, that they became pale and languid, and thin and feeble ; that those employed in tasks requiring much bodily exertion were unequal to the same quantity of work as formerly ; " that those at the mill could grind less corn, those at the pump could raise less water, and that from time to time several of the laundry women fainted under their work ; and the business of the laundry " could only be carried on by continually changing the hands engaged in it."

This physical depression, however, did not pass into actual disease, with the exception of a few cases of scurvy, which occurred on the women's side, but do not seem to have been recognized as such at the time; nor were there any unusual admissions into the infirmaries till early in February 1823, when the scurvy was first reported as showing itself. Between the 14th of February and the 1st of March, no less than 48 prisoners came into the infirmaries, affected chiefly with diarrhoea and dysentery. These diseases, which were of a peculiar kind, and were suspected to have a connexion with the scurvy, were found to spread extensively in different degrees of severity throughout the prison.

On the 1st of March the reporters examined the prison and infirmaries, and found the prevailing disease to be the same as the *sea scurvy*, and this was combined, in almost every case, with diarrhoea or dysentery. All the patients, whether they had the ordinary marks of scurvy, or suffered from diarrhoea or dysentery, or from scurvy and bowel complaint at the same time, showed the same constitutional derangement, denoted by a sallow countenance, an impaired digestion, diminished muscular strength, a feeble circulation, various degrees of nervous affection, as tremors, cramps, or spasms, and various degrees of mental despondency. The reporters soon had an opportunity of satisfying themselves that the diarrhoea and dysentery and scurvy had their origin in the same morbid state of the constitution, and that they in reality constituted one and the same disease. The wide prevalence of the disease within the prison is shown by the statement that it was found, in one or other of its forms, to affect more than half the prisoners ; of the women about two-thirds were ill, of the men rather less than one-half. Those who had been long in the prison suffered most ; but those who had been less than one year in confinement were very far from being exempt, for no less than 23 per cent. of the men who had been confined less than one year, half of whom had been but a short time exposed to the causes of the disease, were found to be suffering from it. I am particular in mentioning this fact, because it shows that the experience of Millbank Prison in 1823 admits of application at this very time. That which happened to these prisoners, then, might be expected to happen to all our prisoners now if they were exposed to the like causes of disease.

The disease, though serious, was not very fatal, as up to the date of the report (April 5th, 1823) only six deaths from dysentery took place.

The reporters attribute the disease chiefly to the defective dietary. They state that "the new diet had been continued until the present time (April 5th, 1823) and to it we mainly ascribe the production of the disease in question." Other concurrent causes, especially the severity of the winter, and the low temperature of the cells at night, are adverted to in the report, but the little influence which they must have exercised in comparison with the poor and insufficient diet, may be inferred from the fact that prisoners who, sleeping in the same cells,

and exposed to the same low temperature by night, were employed in the kitchen by day, and had access to richer diet, were universally exempt. This inference is strongly confirmed by the curious fact that the officers and servants of the establishment, together with their families residing within the walls of the prison, and amounting to 106 individuals, were universally exempt from the disease. The opinion of the reporters is further confirmed by the speedy improvement effected by a change of diet, consisting in the introduction of "flesh meat" and three oranges daily, added to some less important substitutions.

After reading with attention the report from the Select Committee on the state of the Penitentiary at Millbank, ordered by the House of Commons to be printed 8th July 1823, and consulting Dr. Latham's "Account of the Disease lately prevalent at the General Penitentiary," as well as the able and learned paper "On the Mortality in Prisons," read before the Royal Medical and Chirurgical Society in February 1845, by my predecessor Dr. Baly, I have no hesitation in attributing this outbreak of scurvy and scorbutic dysentery during the winter of 1823 directly, and the recurrence of the same or similar maladies later in the same year, remotely, to one and the same cause, namely, the reduction in the dietary. Other causes may have contributed to promote them, but this was, in my opinion, the true and essential cause, without which the diseases in question would have had no existence.

This painfully interesting history of the scorbutic epidemic of 1823 furnishes us with two standards of diet, of which the first may be assumed to have been probably sufficient, and possibly excessive, and the second quite inadequate. The occurrence, during the period of two years and eight months immediately preceding the outbreak of the epidemic, of 11 cases of diarrhoea or dysentery, severe enough to be mentioned in the monthly reports of the Medical Superintendent (out of which 11 cases 6 proved fatal), has led me to entertain some doubts whether the diet which was reported as excessive was really so. But I will assume that it was somewhat in excess, and proceed to compare it with the prison diet now in use.

In both cases the diet is that of male prisoners :—

	—	Prison Diet prior to July 1822, deemed excessive.	Present Prison Diet.
Bread	- - -	Per Week. 168 ozs.	Per Week. 154
Meat	- - -	24	35
Potatoes	- - -	112	112
	Total solid food	304	301
Gruel or porridge	-	Pts. 14	Pts. 7
Cocoa	- - -	Nil.	5½
Broth	- - -	6	Nil.
	Total liquid food	20	12½

It appears from this tabular comparison that the present dietary at Millbank shows the same allowance of potatoes as prior to July 1822;

an allowance of meat (even when the meat in the broth of the early dietary is added to the solid meat) somewhat larger in amount; and a reduction in the quantity of bread in the later dietary to the extent of 14 ounces in the week, or 2 ounces per diem. The liquid food is reduced from an aggregate of 20 pints to one of $12\frac{1}{2}$ pints per week, $5\frac{1}{2}$ pints of cocoa taking the place of part of the gruel. It will be seen, then, that the existing dietary of Millbank falls somewhat short, and principally in its liquid constituents, of the earlier dietary which was deemed excessive; and as the difference is not considerable, and the period of imprisonment is now much shorter than in 1822, there is a fair presumption that the present dietary may still be somewhat in excess, and admit of cautious reduction.

I now proceed to fill up the interval between the early history of Millbank prison and the present time, by referring to the letters and printed reports of my predecessor, Dr. Baly.

The earliest letter referring to the subject of the prison dietary which I find to have been written by Dr. Baly bears the date of November 4, 1848, and in that letter he sees reason to alter his mind with regard to a recommendation made a short time previously "that the prisoners should be supplied with some solid article of food "in lieu of the soup which forms their dinner on two days of the "week," I infer that prior to the date of this letter the prisoners were supplied with soup on two days of the week. Dr. Baly goes on to state that the soup agreed well with the prisoners, and was preferred to any article of food that could be substituted for it.

No further correspondence on the subject of the diet of the prisoners is entered in the letter-book till February 5, 1856, when allusion is made to a change of diet that had been sanctioned in the summer of the cholera year 1854. This change consisted in substituting on two days of the week the ordinary meat dinners for soup.

The letter states that this altered dietary had been continued unchanged during 1855, because it was deemed probable that cholera would return in that year.

No reason is, however, assigned for continuing it into the year 1856; but Dr. Baly gives it as his opinion that it was not desirable to restore the soup dinners, because the soup, as made at Millbank, disagreed with many of the prisoners. It will be seen that there is a want of correspondence between this statement and that contained in the letter of November 4, 1848. Dr. Baly then goes on to state that, in his judgment, an entire absence of variation in the dinner was not desirable, but that it would be well if an occasional substitute for the beef dinner could be given. He also pointed out, as another defect in the diet, the unpalatable gruel served at supper, but acknowledged the difficulty of finding a substitute which would cost as little. The substitution of coffee for gruel would, as he ascertained, entail an addition of 20*l.* yearly to the cost of the diet for 100 prisoners. Dr. Baly's attention seems to have been called to the difference then existing between the diets of Millbank and Pentonville, for he gives it as his opinion that there would be but little difficulty in assimilating the diets of the two prisons. He thought that at Millbank the prisoners should have mutton on two days in the week only, as he deemed mutton to be less nutritious than beef. Dr. Baly then justifies the larger allowance of bread at Millbank (22 ounces against 20 ounces), by referring to the unfavourable site of Millbank prison.

On June 12th of the same year, 1856, Dr. Baly recommended that the amount of solid food should be continued as before, and expressed himself as averse to the substitution of Indian meal for any part of the diet, deeming it doubtful whether prisoners whose occupations were sedentary could take and properly digest a sufficiently large mass of the food made from Indian meal. But he did not think that Indian meal, as a substitute for meat, would be objectionable for penal class prisoners employed on the treadwheel. He also thought it unnecessary that the dinners should be varied twice a week, by substituting mutton for beef. To prisoners who disliked the gruel served at supper he recommended that an extra quantity of bread should be issued. I may here state, as an inference from my own longer experience of the use of Indian meal as a principal element of the penal class diet, that it may be given with perfect safety to men who, as being in the penal class, are generally inactive.

Under the date of October 15, 1858, I find a letter containing some calculations showing the cheapness of the thin oatmeal gruel served for supper.

From this correspondence of my predecessor, Dr. Baly, I draw the following inferences:—

1. That the present prison dietary (I speak of the ordinary diet for the bulk of the prisoners) was introduced at some time prior to the year 1848, but that it then differed from that now in use by the substitution, on two days of the week, of soup for meat.
2. That, in the summer of 1854, when cholera prevailed, the ordinary meat dinners were substituted for soup on the two remaining days of the week; and that that substitution, framed to meet an exceptional state of things, has continued to be in force up to the present time.
3. That, in the opinion of Dr. Baly, the low situation of Millbank prison justified an addition to the dietary scale of Pentonville of two ounces of bread per diem for each prisoner.
4. That the gruel served at supper was unpalatable, but that it was not possible to find a substitute for it without incurring a large increase of expense.
5. That, in Dr. Baly's opinion, Indian corn meal, as a substitute for meat, would prove unsuitable to prisoners leading sedentary lives, but suitable to penal class prisoners then working at the treadwheel.

I still reserve my own opinion on the present ordinary prison diet till I shall have submitted to you the experience of Dr. Baly and myself on the diet known here as "penal diet" or "penal class diet." This diet, of which the particulars are given in Table II. of the Appendix, is one from which the meat element is wholly excluded. It consists of bread, milk, Indian corn, oatmeal, and potatoes, in such quantities as to present a weekly aggregate of 280 ounces of solid food, and $10\frac{1}{2}$ pints of milk per week, the wholesome and nutritious element of milk entering largely into the breakfast and dinner of every day; so that, if the $10\frac{1}{2}$ pints of milk of this dietary may be taken as an equivalent to the 12 pints of cocoa and gruel of the ordinary prison diet, this penal diet will be found to contain 280 ounces of solid material against the 318 ounces belonging to the ordinary prison diet.

I subjoin a tabular comparison in which the solid elements of the two diets are more fully and completely specified.

	—	Ordinary Prison Diet.	Penal Class Diet.
Solid food.	Bread - -	Per Week. 154 ozs.	Per Week. 84 ozs.
	Meat - -	35	Nil.
	Indian meal	Nil.	70 "
	Potatoes - -	112 "	56 "
	Oatmeal - -	14 "	70 "
	Cocoa flake - -	3½ "	Nil.
Liquid food.	Molasses - -	7 "	Nil.
	Milk - -	1 pint, nearly.	10½ pints.

When we take into account the large amount of solid nutriment contained in this penal class diet, and the due admixture in it of all the elements which are deemed necessary to constitute a wholesome and nutritious dietary, the results of the experimental weighings undertaken by Dr. Baly, and continued by myself, will excite no surprise. These results are stated in the last printed Report, given by Dr. Baly for the year 1858, and my own first Report for the year 1859. It resulted from the weighings ordered by Dr. Baly that the number of prisoners who respectively gained weight and lost it was nearly equal, but that, on the whole, there was some tendency to loss of weight. The results of my own weighings may be inferred from the statement that, as a general rule, the penal class prisoners gain weight in the first month, lose it in the second, and recover it afterwards. These experiments of Dr. Baly and myself, though not numerous enough for scientific accuracy, are certainly sufficient for practical purposes, and they are confirmed by the observations of Mr. Gover, the resident surgeon, and myself. We find the prisoners who, by their misconduct, have caused themselves to be placed on penal class diet for several months together, wearing every appearance of perfect health. It appears from Dr. Baly's Report for the year 1857, that this dietary was adopted as part of the special discipline of the male and female prisoners of the penal class, and that it was intended to substitute "a dietary less varied and palatable than that given to the ordinary " prisoners, but, as it was believed, not less nutritious.

Now, in my judgment, in which I am confirmed by Mr. Gover, the object thus contemplated has not been fulfilled; for the porridge of the breakfast, the Indian meal pudding and potatoes of the dinner, and the bread of the supper are more palatable, and less likely to pall upon the appetite, than the elements of the ordinary prison diet. In some cases, prisoners in the penal class, on the male side, have expressed their preference of this diet over the ordinary prison diet; and it is a matter of experience with Mr. Gover that applications for alteration of this diet are less frequent than among the ordinary prisoners. He informs me that he is often obliged, in the case of prisoners not in the penal class, to substitute rice pudding for the meat dinner for a few days, especially on the female side; and that the complaints of the flour gruel served at supper are very general. He also informs me that many of the prisoners are subject to constipation, dyspeptic pains, and other ailments, which he attributes to the too great monotony of the diet.

I do not think it necessary to point out some anomalies and discrepancies existing in the dietary of female prisoners compared with

those of males. Such observations as I have to make on the subject, being comparatively unimportant, will form a fitting subject of consultation with the Governor and Director of the prison.

I will now bring this communication to a close by a few remarks relating to the existing dietary, which I will put in the form of distinct propositions.

1. That the existing dietaries of this prison are certainly sufficient for the maintenance of health, but that they may possibly admit both of modification and reduction.
2. That in consequence of the severe epidemic prevailing in 1822 ; the prevalence of cholera amongst the prisoners when that disease was raging in London, and in other parts of this country ; in consequence also of some occasional outbreaks of disease of a less severe character at subsequent periods, an impression has been produced, both among the officers of this institution and the public at large, that the site of the prison is extremely unhealthy. But, owing to the progressive improvements which have been effected within the walls of the prison of late years, improvements in warming and ventilation, in drainage and water supply, and in everything relating to the preservation of health of the prisoners, there is no longer any reason to believe that the site of the prison is peculiarly unhealthy ; and therefore no reason for placing the prisoners on a more generous diet than that which is found sufficient at Pentonville Prison, or other similar establishment. I have now an experience of four years, and Mr. Gover, the resident surgeon, of upwards of three years, and we have not yet observed any facts which would justify the assumption that the site is peculiarly unhealthy. I am therefore prepared to recommend that the allowance of bread in the ordinary prison diet be reduced to the standard of Pentonville prison, namely, 20 ozs. per diem in lieu of 22 ozs.
3. That partly in consideration of the want of variety in the existing diet, and partly of the fact already alluded to, that the soup which used to be given twice a week was exchanged for meat in the cholera year 1854, for reasons that are no longer in force, I am of opinion that that earlier dietary should be restored.
4. In order to meet the symptoms of indigestion and of constipation already mentioned as prevailing in the prison, it appears to be worthy of consideration whether, on the two days when the prisoners would have soup for dinner, brown bread might not be advantageously substituted for white.
5. That as the gruel now made with flour proves not simply unpalatable, but repulsive, it is expedient to make it henceforth of one and the same material, namely, coarse oatmeal. This small and unimportant change I have already recommended for adoption.
6. That the present penal class diet often proves more acceptable to prisoners than the ordinary diet, and for this reason seems to require some modification. It also contains more nourishment than is necessary for a class of prisoners, who, when compared with others, lead a life of comparative inaction, and may therefore admit of some reduction. In conclusion, I may state that I shall give my serious attention to the possible reduction and modifi-

estimation of the dietary ; and that, in so doing, I shall endeavour to preserve the health of the prisoners at the same time that I avoid making the diet a means of indulgence. These changes, if authorized, would be the means of effecting a considerable economy, and also, (and this I do not deem unimportant,) would simplify the duties, and reduce the labours which devolve upon the steward.

I have, &c.,

(Signed) WILLIAM A. GUY, M.B.,
Medical Superintendent.

Major-General Sir Joshua Jebb, K.C.B.

&c &c &c.

APPENDIX H.

EXTRACT FROM A WEST AUSTRALIAN PAPER.

"Dinner to Captain Henderson, R.E., Comptroller-General of W. A., by the Colonists, on his return from England, in testimony of their appreciation of his exertions on behalf of West Australia as a fit station, for many years to come, for convicts, under due selection, to be sent there."—March 10th, 1858.

"The health of the guest of the evening, Captain Henderson, was then proposed by the Chairman, in a speech of some length.

"Captain Henderson, who appeared to be affected at the warmth of his reception, addressed the meeting as follows:—

"Mr. Chairman and Gentlemen,—It is now nearly eight years since I first landed on the shores of Western Australia, unknown to a single individual in the colony, the first to announce the great change in the social and material position of the colony consequent on the introduction of convicts. On that occasion not a native awaited my landing, and many of you can well remember the doubt, hesitation, and distrust, which pervaded the community when the arrival of the English prisoners became known. I contrast my present hearty reception with that, and I believe I am not wrong in attributing it equally to a generous recognition on the part of the colonists of my advocacy of what I believe to be their best interests, as that, believing the views I have formed and the opinions I have expressed to be just and true, they publicly recognize the fact that they are willing to co-operate with the Home Government in any well-regulated scheme of transportation, being satisfied from past experience that it may be worked to the great and mutual advantage of all concerned. Transportation, gentlemen, never had a fairer chance, and never again will, I believe, have such another as in Western Australia ; and I can appeal to you to bear me out in saying that during the first few years nothing could have answered better or promised more fairly than the system in this colony. I remember well our late Governor, Captain Fitzgerald, saying to me, shortly after my arrival, that in less than three years the colony would not be fit to live in. He lived to know that, though he

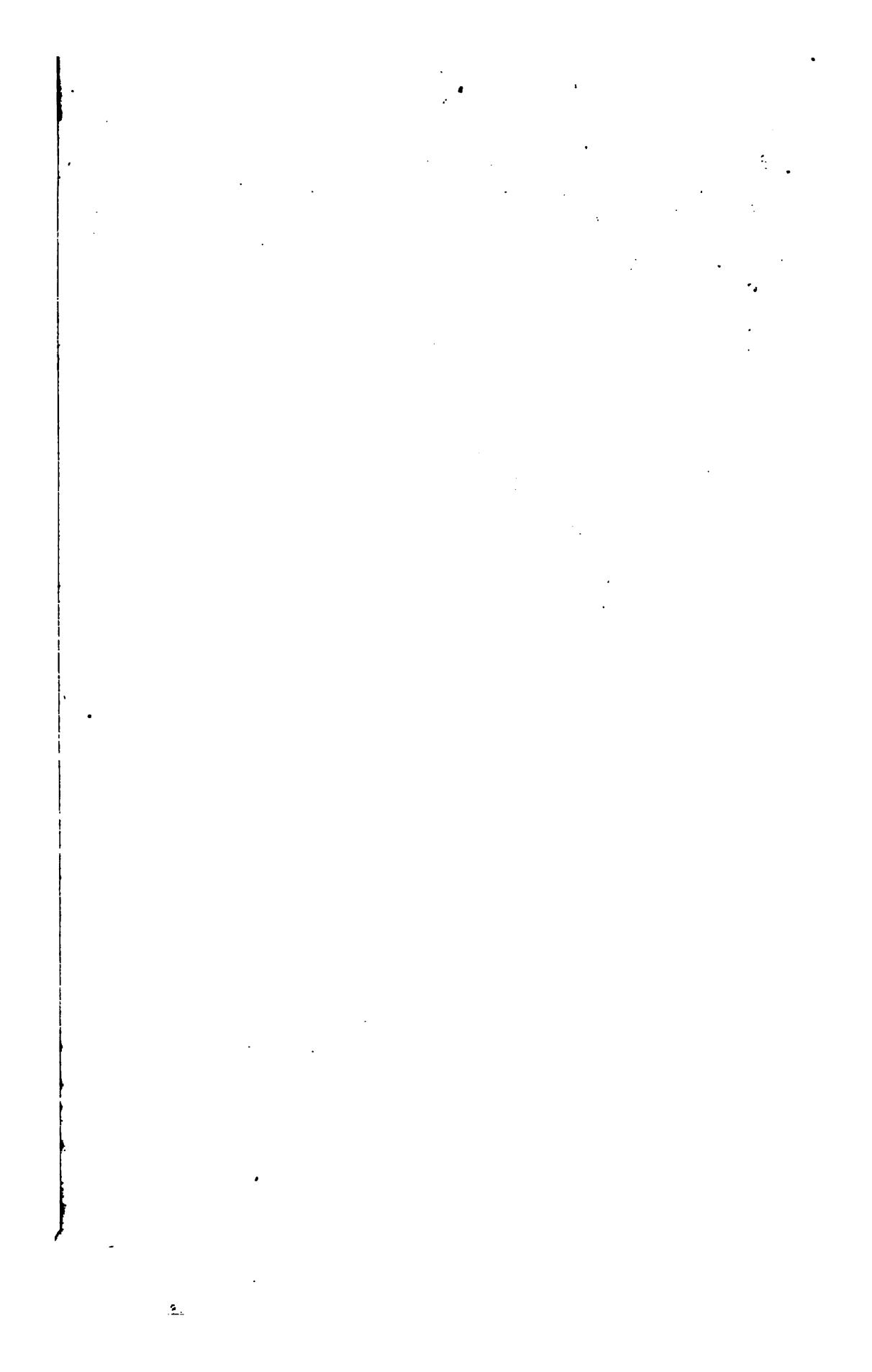
might be a good Governor, he was a remarkably bad prophet, and no one was more ready to acknowledge and rejoice in his error.

* * * * *

“ I trust that the evils we dreaded, the doubts and uncertainties of the past, and the difficulties inseparable from the commencement of such an undertaking, have passed away ; and I confess I cannot but feel that there is every cause to hope for the best, when I look round me on my return and find every material interest in the colony in a sound and prosperous condition, when I find a colony, after being eight years a penal settlement, in which it is really no compliment to say that life and property are as safe as in any part of Her Majesty's dominions, and where that class who are elsewhere the bane are here fast becoming the bone and sinew of the community.

* * * * *

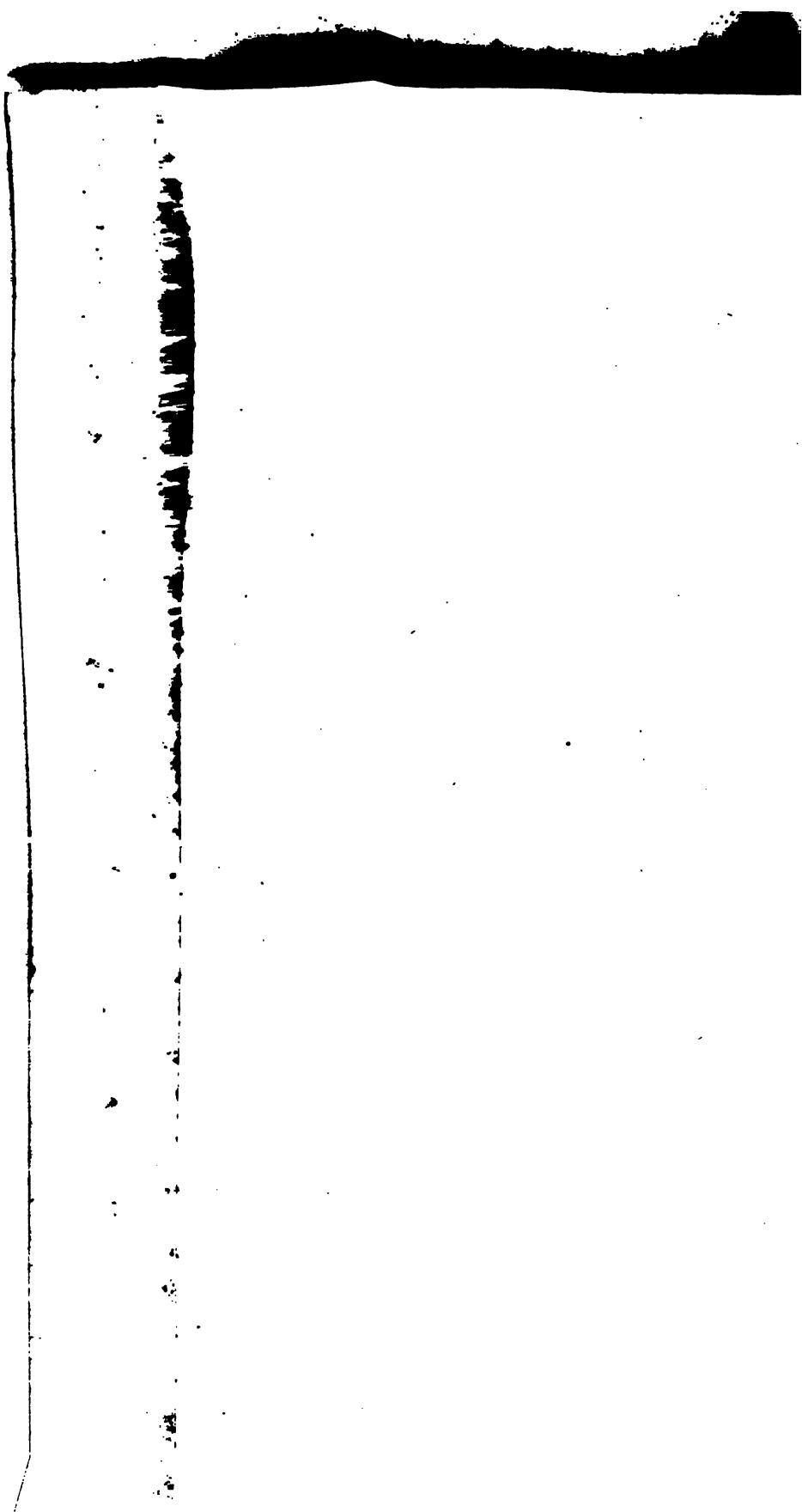
“ I knew that there hundreds—nay, thousands—of my countrymen were regaining that position in society which once lost in England is so hard to regain, and I firmly believed that the vast natural resources of the colony, in minerals, timber, and agriculture, blessed as it is with a glorious climate, were ample promise, when fairly developed, of a happy home for thousands more.”



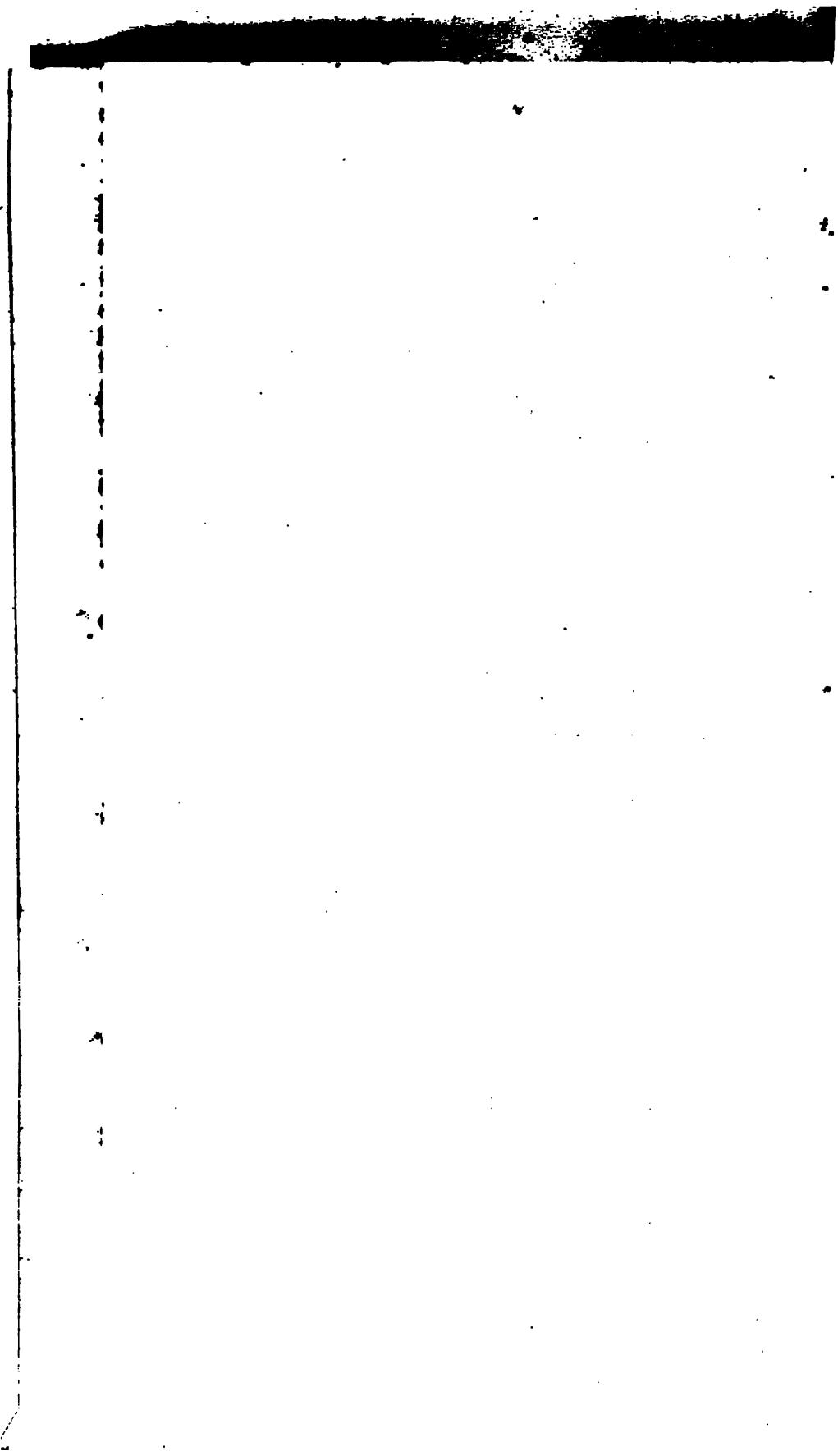
308 19	5 0	7 8	11 6	Cost per prisoner
6 4	9	2,480 0 0	2,581 6 0	Rent, rates, and taxes.
3 6		6 1	7 0	Cost per prisoner
126 4	1 0	272,243 0 0	275,985 6 1	Gross total estimated and actual cost of maintenance.
40 13	3 5	33 9 2	37 17 0	Do. do. per prisoner
356 19	0 11	- -	111,117 18 3	Deduct value of labour, &c.
769 5	0 1	- -	164,867 7 10	Net total estimated and actual cost of maintenance.
8 17	0 0	- -	22 12 3	Do. do. per prisoner.

raltar an
nk and Brixton are paid at Fulham on their discharge.
constr
the value of the labour executed by the convicts in the
this sum

expenses of the principal convict establishments is as follows :—
Portland,



[REDACTED]



51 4 0	40 10 4	Fuel and light. Cost per prisoner.
0 5 1	0 9 3	Washing and repairs of linen. Cost per prisoner.
- -	34 0 9	Soap, scouring, and cleaning articles. Cost per prisoner.
- -	0 7 9	Brushes, brooms, and mops. Cost per prisoner.
17 0 0	10 13 0	Funeral expenses. Cost per prisoner.
0 1 8	0 2 5	Various small disbursements. Cost per prisoner.
- -	29 1 9	Rents, rates, and taxes. Cost per prisoner.
- -	0 6 7	
1 0 0	- -	
0 0 1	- -	
110 0 0	147 11 9	Gross total estimated, and actual expenditure. (C) Cost per prisoner.
0 11 0	1 13 7	Deduct value of labour, &c.
114 12 0	10 0 0	Net estimated and actual cost of maintenance. Cost per prisoner.
0 11 5	0 2 3	
1,915 3 0	5,166 2 5	
29 11 6	58 14 1(F)	
- -	1,594 11 9	
- -	3,571 10 8	
- -	40 11 8	

be proportionately reduced. For though the prisons—would render necessary a consideration led to the closing of some, and consequent saving of expense of expenditure for "Clothing and The (E) falls upon those establishments, making 1d. The low corresponding rate on that number for items (D) be doubled without materially increasing

Director of Convict Prisons.

